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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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WASHINGTON, DC

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-21-AD; Amendment 39-8193; AD 92-06-13]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Boeing Model 767 series airplanes equipped with General Electric CF6-80C2 engines. This action requires revising the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects. This amendment is prompted by an on-going design review, resulting from an accident investigation from which it has been determined that, prior to the accident, the airplane apparently experienced an uncommanded in-flight deployment of a thrust reverser. Deployment of a thrust reverser during flight could result in reduced controllability of the airplane. The actions specified in this AD are intended to ensure the integrity of the fail safe features of the thrust reverser system by preventing the possible discrepancies in the thrust reverser control system that can result in the inadvertent deployment of a thrust reverser during flight.

DATES: Effective March 18, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1992.

Comments for inclusion in the Rules Docket must be received on or before May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-21-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Lanny Pinkstaff, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2684; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: The wiring configuration of the CF6-80C2 engine thrust reverser, as installed on Boeing Model 767 series airplanes, has the Pressure Regulating Shutoff Valve (PRSOV) and the Directional Pilot Valve (DPV) control wires in adjacent pins of several wire bundle disconnects. These wires should have pin separation so that the DPV will not have power on adjacent pins. A bent pin in a wire bundle disconnect could contribute to an inadvertent in-flight deployment of the thrust reverser during an "auto-restow" event. Deployment of a thrust reverser during flight could result in reduced controllability of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-78A0052, Revision 1, dated February 14, 1992, which describes procedures for revising the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects. This modification will improve wiring pin separation between the thrust reverser PRSOV and the DPV circuits.

Since an unsafe condition has been identified that is likely to exist on other Boeing Model 767 series airplanes of the same type design, this AD is being issued to prevent deployment of a thrust reverser during flight, which could result in reduced controllability of the airplane. This AD requires revising the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "**ADDRESSES.**" All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-21-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or

on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-13. **Boeing:** Amendment 39-8193. Docket 92-NM-21-AD.

Applicability: Model 767 series airplanes equipped with General Electric CF6-80C2 engines, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of a thrust reverser during flight, accomplish the following:

(a) Within 60 days after the effective date of this AD, revise the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects, in accordance with Boeing Alert Service Bulletin 767-78A0052, Revision 1, dated February 14, 1992.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Boeing Alert Service Bulletin 767-78A0052, Revision 1, dated February 14, 1992.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(e) This amendment becomes effective on March 18, 1992.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6291 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-03-M

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14 CFR Part 39

[Docket No. 91-NM-181-AD; Amendment 39-8186; AD 92-06-06]

Airworthiness Directives; General Dynamics Convair Model 340, 440, and C-131 (Military) Series Airplanes, Including Those Modified for Turbopropeller Power

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all General Dynamics Model 340, 440 and C-131 (Military) series airplanes, which currently requires structural inspections, and repair or replacement, as necessary to ensure continued airworthiness. This amendment requires more detailed inspections, adds areas to be inspected, requires the use of improved inspection methods, and revises certain compliance times. This amendment is prompted by the analysis of new data submitted in accordance with the existing AD. The actions specified by this AD are intended to prevent the compromise of the structural integrity of these airplanes.

DATES: Effective April 22, 1992.

The incorporation by reference of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, dated November 14, 1986, including Addendum I dated April 14, 1987; Addendum II dated May 4, 1987, and Addendum III, dated August 4, 1987; was previously approved by the Director of the Federal Register as of November 21, 1988 (53 FR 41157, October 20, 1988).

The incorporation by reference of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, Revision 1, dated April 15, 1991, including Addenda I, II, and III, all dated April 15, 1991, is aproved by the Director of the Federal Register as of April 22, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from General Dynamics/Convair Division, Lindberg Field Plant, P.O. Box 85377, San Diego, California 92138, Attention: Derek Trusk. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Brent Bandley, Aerospace Engineer, Airframe Branch, ANM-123L, FAA, Northwest Mountain Region, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5237.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 88-22-06, Amendment 39-6006 (53 FR 41157, October 20, 1988), which is applicable to all General Dynamics Model 340, 440 and C-131 (Military) series airplanes, was published in the **Federal Register** on October 4, 1991 (56 FR 50299). The action proposed to require more detailed inspections of various structural components of these airplanes, more areas to be inspected, the use of improved inspection methods, and the revision of certain compliance times.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule.

One commenter asks for clarification as to whether the proposed rule applies to the Model C–131A, the military version of the Model 240. The FAA notes that this AD action is applicable to the C–131B through C–131H models, but not the C–131A; the applicability statement of the final rule has been revised to indicate this. (This is also indicated in the effectivity section of the applicable Structural Inspection Document (SID), page 2–1.)

This same commenter also suggests that the proposed rule contain a statement, such as the one in the beginning of the revised SID and each addendum, that in addition to the inspection intervals described for each principal structural element (PSE), there is a specified calendar time limit for each inspection item. The FAA concurs that the rule would be clearer if such information were included. The final rule has been revised to add new paragraph (c) which specifies that inspections of the principal structural elements (PSE) are to begin within 6 months after the incorporation of the revised SID into the FAA-approved maintenance inspection program.

One commenter asks for clarification as to how paragraphs (a) and (b) of the proposal relate to each other. This commenter states that it appears that an affected operator would have to comply with both paragraphs at the same time. The FAA concurs that some clarification is necessary. Paragraph (a), which is currently in effect (originally required by AD 88–22–06), requires operators to revise their maintenance inspection program within one year after November 21, 1988, to include the items specified in the original issue of the Convair SID, dated November 14, 1986 (and various addenda). The FAA's intent is that the requirements of that paragraph remain in effect until operators incorporate Revision 1 of the SID (dated April 15, 1991) into their maintenance inspection program, as required by paragraph (b). Within six months after such incorporation, operators must then commence inspections of the PSE's specified in Revision 1 of the SID, as required by new paragraph (c) of the final rule.

Several commenters oppose the six-month compliance time (from the date that the revised AD becomes effective) to do all the inspections in accordance with the calendar times indicated in the revised SID. They noted that the compliance time was too short and, therefore, would have negative impact on flight schedules, aircraft availability, and available manpower. These commenters request that the compliance time be extended to two or four years. The FAA concurs in part. As discussed above, the final rule as been revised to indicate that the inspections in accordance with the revised SID are required within six months after the incorporation of the revised SID into the maintenance inspection program. The operators, in effect, have one year from the date that this final rule becomes effective to do the inspections required by the calendar time requirement. The FAA considers one year to be sufficient time in which operators can accomplish these inspections. Further, the inspections specifically required within the calendar time schedules will have limited impact on the entire fleet. The inspection required with respect to calendar time schedules will affect mainly low-time airplanes, namely, those airplanes that have not exceeded a certain threshold specified in number flight hours; eighty percent of the fleet already has exceeded that threshold.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 320 General Dynamics Model 340, 440, and C–131 (Military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 240 airplanes of U.S. registry and 25 U.S. operators will be affected by this AD.

To initially incorporate the Supplemental Inspection Document (SID) program into an operator's maintenance program, as required by AD 88–22–06, necessitated 1,000 work hours per operator to accomplish. To incorporate the additional procedures into the SID program as required by this AD action will necessitate an additional 20 work hours per operator. At an average labor cost of $55 per work hour, the additional administrative cost to U.S. operators incurred as a result of this AD is $27,500, or $1,100 per operator.

The new requirements of this AD will also necessitate approximately 50 additional work hours per airplane to accomplish initially the inspection procedures. At an average labor cost of $55 per work hour, the additional cost to U.S. operators incurred as a result of this AD is $660,000 for the fleet, or $2,750 per airplane.

Based on these figures, the total additional cost impact of the new requirements of this AD on U.S. operators is $687,500.

The recurring inspection cost to the affected operators is estimated to be 500 work hours per airplane per year, at an average cost of $55 per work hour. This figure entails no additional work hours as a result of this new AD action. Therefore, the total cost of recurring inspections to U.S. operators is estimated to be $6,600,000 annually for the fleet, or $27,500 per airplane.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by

removing amendment 39–6006 (53 FR 41157, October 20, 1988), and by adding a new airworthiness directive (AD), amendment 39–8186, to read as follows:

92–06–06. General Dynamics: Amendment 39–8186. Docket No. 91–NM–181–AD. Supersedes AD 88–22–06, Amendment 39–6006.

Applicability: Applies to Model 340, 440, and C–131 (Military) series airplanes, all serial numbers, certificated in any category, including those modified for turbo-propeller power.

Compliance: Required as indicated, unless previously accomplished.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

(a) Within one year after November 21, 1988 (the effective date of Amendment 39–6006, AD 88–22–06), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in section 3 of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS–340–1000, dated November 14, 1986; Addendum I, dated April 14, 1987; Addendum II, dated May 4, 1987; and Addendum III dated August 4, 1987. The non-destructive inspection techniques set forth in the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results (negative or positive) must be reported to General Dynamics, in accordance with the instructions in the SID.

(b) Within six months after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in section 3 of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS–340–1000, Revision 1, dated April 15, 1991; including Addenda I, II, and III, all dated April 15, 1991.

(c) Within six months after incorporation of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS–340–1000, Revision 1, dated April 15, 1991; including Addenda I, II, and III, dated April 15, 1991; into the FAA-approved maintenance inspection program, as required by paragraph (b) of this AD, inspect all PSE's specified in that SID that have not been inspected within the 12 calendar years. The non-destructive inspection techniques set forth in that SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results (negative or positive) must be reported to General Dynamics, in accordance with the instructions in the SID.

(d) Cracked structure detected during the inspections required by paragraph (a) or (c) of this AD must be repaired or replaced, prior to further flight, in accordance with General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS–340–1000, dated November 14, 1986; or Revision 1, dated April 15, 1991.

(e) All of the information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(g) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may concur or comment and then send it to the Manager, Los Angeles ACO.

(h) The program revision required by paragraph (a) of this AD shall be done in accordance with General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS–340–1000, dated November 14, 1986, including Addendum I dated April 14, 1987; Addendum II dated May 4, 1987, and Addendum III, dated August 4, 1987. The incorporation by reference of that document was approved previously by the Director of the Federal Register as of November 21, 1988 (53 FR 41157, October 20, 1988), in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The program revision required by paragraph (b) of this AD shall be done in accordance with General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS–340–1000, Revision 1, dated April 15, 1991; including Addenda I, II, and III, all dated April 15, 1991. The incorporation by reference of that document was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Dynamics/Convair Division, Lindberg Field Plant, P.O. Box 85377, San Diego, California 92138, Attention: Derek Trusk. These documents may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(i) This amendment becomes effective April 22, 1992.

Issued in Renton, Washington, on February 24, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–6290 Filed 3–18–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8402]

RIN 1545–AL41

Consolidated Return Regulations; Modification of Rules Relating to the Applicability of Other Provisions of Law in the Context of the Consolidated Return Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This document contains temporary and final regulations under section 1502 of the Internal Revenue Code of 1986, as amended, providing that section 304 does not apply to acquisitions of the stock of a corporation by one member of a consolidated group from another member and providing special restoration rules for deferred gain that results on an acquisition of the stock of a subsidiary member of a consolidated group by one member from another member.

DATES: The regulations are effective on July 24, 1991 and apply to an acquisition of stock of a corporation in an intercompany transaction occurring on or after July 24, 1991.

FOR FURTHER INFORMATION CONTACT: Brendan P. O'Hara at telephone (202) 566–2455 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains revisions to § 1.1502–80 of Income Tax Regulations (26 CFR part 1) under section 1502 of the Internal Revenue Code of 1986, as amended. Proposed regulations were filed on July 24, 1991 and published on July 25, 1991 (56 FR 34044).

Section 1.1502–80 currently provides that section 304 applies for any consolidated return year. Section 304 treats a sale of stock by a shareholder to a person related to the shareholder as a distribution with respect to stock, which may be taxed as a dividend. Under the consolidated return regulations, a dividend, including one arising under section 304, is eliminated from income. Section 1.1502–14(a). Absent section 304(b)(4), a dividend arising under section 304 may result in inappropriate adjustments to basis in the stock of the transferor and other corporations in a

consolidated group. Section 304(b)(4) prevents that result.

The Internal Revenue Service has concluded that the simplest way to implement the purposes of section 304(b)(4) for a consolidated group is for section 304 not to apply to an acquisition of stock by one member from another member. Alternatives to implementing the purposes of section 304(b)(4), which would have required complex basis and earnings and profits adjustments, were rejected. Section 304 continues to apply, in appropriate cases, to an acquisition of stock by a member from non-member.

This document also contains revisions to § 1.1502–13T to provide a rule parallel to that contained in § 1.1502–14T(c), relating to the restoration of deferred gain resulting from the distribution of stock of a subsidiary by one member of a consolidated group to another member.

Comments

A hearing on the proposed regulations was held on December 10, 1991. Several speakers noted that, under the approach of the proposed regulations, a consolidated group may recognize gain associated with assets twice, when the assets are sold and, through restoration of deferred gain, when the stock in the corporation that held the assets is disposed of. This issue arises also when appreciated stock of a member is distributed from one member to another. The Internal Revenue Service is studying the issue as part of a regulations project under §§ 1.1502–13 and 1.1502–14.

Explanation of Provisions

The final regulations amend § 1.1502–80 to provide that an acquisition of stock of a corporation by one member of a consolidated group from another member occurring on or after July 24, 1991 is not subject to section 304. These transfers of stock between members are treated, to the extent provided in § 1.1502–13, as deferred intercompany transactions.

The final regulations do not affect the application of section 304(b)(4) to section 304 transfers not addressed by the final regulations. Section 304(b)(4) continues to require appropriate adjustments to basis and earnings and profits in such cases.

The temporary regulations amend § 1.1502–13T to add rules similar to those provided in § 1.1502–14T(c) (which restores deferred gain on distributed stock) that apply to deferred gain arising in an intercompany transaction that is a sale or exchange of stock of a subsidiary.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that section 553(d) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on the impact of the rules on small business.

List of Subjects in 26 CFR Parts 1.1502–12 through 1.1502–100

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the Regulations

Accordingly, the amendments to 26 CFR chapter I, subchapter A, part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805, 26 U.S.C. 6038, and 26 U.S.C. 6038A * * * Section 1.1502–80 also issued under 26 U.S.C. 304(b)(4) and 1502 * * *

Par. 2. Section 1.1502–13T is amended by designating paragraph (o) as paragraph (p) and adding paragraph (o) to read as follows:

§ 1.1501–13T Temporary regulations for certain intercompany transactions.

* * * * *

(o) *Restoration of deferred gain on stock of a member*—(1) *Restoration rule.* For purposes of this section and § 1.1502–13, gain deferred with respect to an acquisition of stock of a subsidiary in an intercompany transaction shall be taken into account—

(i) Upon a disposition (as defined in § 1.1502–19(b)(2)) of the stock of the subsidiary in an amount equal to the amount that would have created or increased the excess loss account if the adjustment to basis (or excess loss account) of the stock of the subsidiary resulting from the acquisition has not occurred, or

(ii) Following a disposition (as defined in § 1.1502–19(b)(2)), to the extent distributions with respect to any stock owned by a member would exceed the basis of such stock if the adjustment to the basis of the stock resulting from the acquisition had not occurred.

(2) *Example.* This paragraph (o) may be illustrated by the following example:

Example. (a) Corporations P, S1, S2, and S3 file consolidated returns on a calendar year basis. P owns all of the outstanding stock of S1 and S2. S1 owns all 100 shares of the outstanding stock of S3. The S3 shares have an adjusted basis of $1,000 and value of $10,000. S1 sells all 100 shares of the S3 stock to S2 for $10,000 and recognizes $9,000 of gain. The gain is deferred under § 1.1502–13(c). S2 takes a $10,000 basis in the S3 stock under § 1.1502–31(a).

(b) S3 borrows $5,000 in 1992 and distributes the $5,000 to S2 in the same year. S3 has no current earnings and profits, and the distribution reduces S2's basis in the S3 stock from $10,000 to $5,000.

(c) In 1993, S3 has no current earnings and profits. At the end of 1993, S3 issues 100 shares of stock to X, an unrelated third party. As a result, S2 no longer owns 80 percent or more of the S3 stock and S3 ceases to be a member of the group. S3's ceasing to be a member of the group is a disposition of the S3 stock under § 1.1502–19(b)(2)(i). If the basis of the S3 stock had not been adjusted as a result of the sale of the S3 stock by S1 to S2, the $5,000 distribution would have resulted in a $4,000 excess loss account with respect to the S3 stock. Accordingly, S1 is required to take into account $4,000 of the deferred gain (the amount that would have been in the excess loss account but for the adjustment to the basis of the S3 stock resulting from its sale).

(d) In 1994, S2 sells its 100 shares of S3 stock to X for $6,000. S2 recognizes gain of $1,000 on the sale. Further, under § 1.1502–13(f)(1)(i), because the S3 stock is disposed of outside the group, S1 must take into account the remaining $5,000 of deferred gain on the S3 stock.

(3) *Effective date.* This paragraph (o) applies to acquisitions of stock of a subsidiary in an intercompany transaction occurring on or after July 24, 1991.

* * * * *

Par. 3. Section 1.1502–80 is revised to read as follows:

§ 1.1502–80 Applicability of Other Provisions of Law.

(a) *In general.* The Internal Revenue Code, or other law, shall be applicable to the group to the extent the regulations do not exclude its application. Thus, for example, in a transaction to which section 381(a) applies, the acquiring corporation will succeed to the tax attributes described in section 381(c). Furthermore, sections 269 and 482 apply for any consolidated year. Section 304 applies except as provided in paragraph (b) of this section.

(b) *Non-applicability of section 304.* Section 304 does not apply to any acquisition of stock of a corporation in

an intercompany transaction occurring on or after July 24, 1991.

Dated: March 4, 1992.

David G. Blattner,

Acting Commissioner of Internal Revenue.

Fred T. Goldberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92-6266 Filed 3-13-92; 11:34 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-90-064e]

Drawbridge Operation Regulations; Potomac River, District of Columbia

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule with request for comments.

SUMMARY: The Coast Guard has been petitioned by the Federal Highway Administration, the Maryland and Virginia Departments of Transportation, and the District of Columbia Department of Public Works to permanently amend the regulations governing operation of the Woodrow Wilson Memorial Bridge across the Potomac River, mile 103.8, at Alexandria, Virginia. As part of the rulemaking process, the Coast Guard is considering several alternative opening schedules as well as the schedule proposed by the petitioners. This temporary rule is being issued to evaluate a variation of the schedule that was published as a notice of proposed rulemaking in the December 20, 1991, **Federal Register**. This variation is being tested in response to some of the comments the Coast Guard has received concerning the hours of heaviest morning vehicular traffic and the effect of midday drawbridge openings for recreational vessels on highway traffic.

DATES: This temporary rule is effective from March 28, 1992, through May 26, 1992, unless sooner terminated. Comments must be received on or before April 27, 1992.

ADDRESSES: Comments should be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004. The comments received will be available for inspection and copying at room 507 at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at 804-398-6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Ann B. Deaton, Project Officer, and Capt. M.K. Cain, Project Attorney.

Discussion of Temporary Rule

This temporary rule is being issued to evaluate a variation of the opening schedule that was published as a notice of proposed rulemaking in the December 20, 1991, **Federal Register** by the Coast Guard in response to a request from the Federal Highway Administration, the Virginia and Maryland Departments of Transportation, and the District of Columbia Department of Public Works, to permanently change the regulations for the Woodrow Wilson Memorial Bridge by further restricting the hours during which the bridge may open for vessel traffic. This variation moves the noon opening for recreational vessels to 10 a.m., and moves the morning bridge closure period for commercial vessels forward one hour; i.e., instead of the closure period occurring from 4 a.m. to 9 a.m., it will occur from 5 a.m. to 10 a.m.

This variation also will require 4 hours (as opposed to 2 hours) advance notice from commercial vessels in order to have the bridge open from 10 a.m. to 2 p.m., and will require the bridge tender to delay the 10 a.m. openings for recreational vessels up to 4 hours to coincide with a later scheduled opening if a commercial vessel is scheduled to open the bridge during these hours. By linking recreational vessel openings with commercial vessel openings, the chance for multiple openings (i.e., one at 10 a.m. for recreational vessels then another for a commercial vessel 1, 2, or 3 hours later) during this high volume midday traffic period will be eliminated. Since the number of times this scenario is likely to occur is relatively low, recreational vessels should not be unduly inconvenienced, and they will be assured of reasonable midday access through the bridge each day of the year. Also, on those occasions when there are no scheduled midday openings for commercial vessels, and the bridge does open for recreational vessels at 10 a.m. as allowed under this variation, the opening will occur at a less disruptive time to vehicular traffic than 12 noon as shown by the traffic counts provided by state transportation officials. Advancing the morning bridge closure period forward by one hour for commercial vessels should result in the closure period coinciding more closely with the actual morning rush hour period according to the state highway officials and many comments we received. In all other respects, this rule is identical to the proposed rule that was published in the **Federal Register** on December 20, 1991.

This temporary rule is for evaluation purposes only and will be effective for a 60-day period beginning on March 28, 1992. The impact of this proposal on highway and marine traffic during this period will be evaluated to determine if it will result in substantial improvements in vehicular traffic flow without unreasonably restricting marine traffic. Data will be collected during the period to document the time and duration of draw openings and length of any resulting vehicle backups. If this rule results in an unforeseen disruption of traffic, it may be withdrawn sooner than 60 days. Unless particular problems with this temporary schedule are identified during this test period, the Coast Guard intends to reissue it as an Interim Final Rule to be effective from 27 May until a permanent rule is published.

The Woodrow Wilson Bridge operated under temporary rules from August 2, 1990, through May 31, 1991, to facilitate repairs to the bridge. Repairs were completed by May 31, 1991. Normally, operation of the bridge would revert to the permanent rule in 33 CFR 117.255. However, it is apparent that this will not provide a satisfactory balance between the needs of today's vehicular traffic and the needs of vessels. Therefore, the Coast Guard issued a temporary deviation from the permanent rules under the provisions of 33 CFR 117.43. That temporary rule with request for comments was issued to evaluate one of the alternative opening schedules being considered for a permanent change in the regulations. The rule was published in the **Federal Register** (56 FR 25369) on June 4, 1991. It was effective from June 1, 1991, through July 30, 1991. Comments were accepted through July 15, 1991. On July 9, 1991, the Coast Guard issued a second temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate another of the alternative opening schedules being considered for a permanent change in regulations. That rule was published in the **Federal Register** (56 FR 35816) on July 29, 1991. It was effective from July 31, 1991, through September 28, 1991. Comments were accepted through September 13, 1991. On September 23, 1991, the Coast Guard issued a third temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate another alternative opening schedule being considered. That rule was published in the **Federal Register** (56 FR 49145) on September 27, 1991. It was

effective from September 29, 1991, through November 27, 1991. Comments were accepted through November 12, 1991. On November 20, 1991, the Coast Guard issued a fourth temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate a variation of one of the alternative opening schedules being considered. That rule was published in the **Federal Register** (56 FR 59880) on November 26, 1991. It was effective from November 28, 1991, through January 27, 1992. Comments were accepted through January 13, 1992. On January 16, 1992, the Coast Guard issued a fifth temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate another variation of one of the alternative opening schedules being considered. That rule was published in the **Federal Register** (57 FR 3008) on January 27, 1992. It was effective from January 28, 1992, through March 27, 1992. Comments were accepted through March 12, 1992.

In order to propose a permanent change in the operating rule for the Woodrow Wilson Bridge, a notice of proposed rulemaking was published on December 20, 1991 (56 FR 66326), and comments on all alternatives under consideration were solicited. The comment period for that proposal expired on February 3, 1992.

Comments are specifically invited concerning any particular problems experienced with this temporary schedule, or concerns with the proposal to issue this same rule as an interim final rule. These comments will be evaluated and modifications may be made or an alternate temporary schedule of openings may be established for the purpose of further evaluation. All comments received will also be considered along with those received in connection with the permanent operating schedule rule change being considered. Persons submitting comments should include their name and address, identify the bridge, and give reasons for any recommended changes to the temporary rule. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

This temporary rule serves the immediate interests of highway traffic with no expected significant adverse impacts on marine traffic. It is a variation of one of the alternative opening schedules previously evaluated and is the sixth in a series of temporary rules being evaluated to gather information for drafting a new permanent rule. For these reasons, pursuant to 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for publishing this temporary rule without publication of a notice of proposed rulemaking. Further, because the Coast Guard agrees that it is not acceptable to revert to the existing permanent rule on the expiration of the current temporary deviation on March 27, 1992, it finds pursuant to 5 U.S.C. 553(b), that good cause exists for making this rule effective in less than 30 days after the date of publication in the **Federal Register**.

Regulatory Evaluation

This temporary rule is considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that these regulations are temporary and may be withdrawn earlier than scheduled. They are not expected to have any substantial effect on commercial navigation or on any businesses that depend on waterborne transportation for successful operations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether proposed rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C 632). The Coast Guard will accept comments on the economic impact on small entities, in connection with the proposal for permanent regulations, and consider them at that time.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the temporary rule does not raise sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is temporarily amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); 33 CFR 117.43.

2. Section 117.255 is temporarily amended by revising paragraph (a)(2) and adding paragraphs (a)(3) and (a)(4) to read as follows: (This is a temporary rule and will not appear in the Code of Federal Regulations.)

§ 117.255 Potomac River.

(a) * * *

(2) Need not open:

(i) Except as provided in paragraphs (a)(1) and (2)(vi) of this section, for the passage of any vessel unless at least 2 hours advance notice is given to the bridge tender at (202) 727–5522.

(ii) For the passage of any vessel from 5 a.m. to 10 a.m. and from 2 p.m. to 7 p.m., on Mondays through Fridays other than Federal holidays.

(iii) For the passage of any vessel from 2 p.m. to 7 p.m. on Saturdays, Sundays, and Federal holidays.

(iv) For the passage of recreational vessels from 4 a.m. to 12 midnight with the exception of one opening at 10 a.m., if requested, on Mondays through Fridays other than Federal holidays.

(v) For the passage of recreational vessels from 6 a.m. to 12 midnight with the exception of one opening at 10 a.m., if requested, and one opening at 9 p.m., if requested, on Saturdays, Sundays, and Federal holidays.

(vi) For the passage of commercial vessels from 10 a.m. to 2 p.m., seven days a week, unless at least 4 hours advance notice is given to the bridge tender at (202) 727–5522.

(3) The bridge tender shall delay the 10 a.m. opening for recreational vessels up to 4 hours, seven days a week, if he receives a request (with proper advance notice) from a commercial vessel to open the bridge between 10 a.m. and 2 p.m.

(4) This temporary rule is effective from March 28, 1992, through May 26, 1992.

* * * * *

Dated: March 11, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 92-6288 Filed 3-13-92; 3:27 pm]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA8-1-5426; A-1-FRL-4114-9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Burlington Industries Consent Agreement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision consists of a Consent Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and Burlington Industries. The Consent Agreement limits the operation and reduces the allowable sulfur dioxide (SO_2) emissions at Burlington Industries' facility in Clarksville, Mecklenburg County, Virginia. The intended effect of this action is to approve a Consent Agreement submitted by the Commonwealth of Virginia Department of Air Pollution Control as a SIP revision rendering its conditions limiting Burlington Industries' operation and reducing its allowable SO_2 emissions federally enforceable. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective May 18, 1992 unless notice is received within April 17, 1992 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Commonwealth of Virginia Department of Air Pollution Control, room 801, Ninth Street Office Building, P.O. Box 10089, Richmond, Virginia, 23240.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, (215) 597-9781; FTS 597-9781.

SUPPLEMENTARY INFORMATION: On December 16, 1991, the Commonwealth of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of a Consent Agreement, dated November 19, 1991, entered into by the State Air Pollution Control Board and Burlington Industries. This Consent Agreement limits the operation and reduces the allowable SO_2 emissions of Burlington Industries' facility in Clarksville, Virginia.

Summary of SIP Revision

The State Air Pollution Control Board and Burlington Industries entered into a Consent Agreement on November 19, 1991 to commit to a plan and schedule for the completion of actions to restrict operation and to reduce allowable SO_2 emissions at the company's facility in Clarksville, Virginia.

The purpose of this Agreement is to restrict the operation and reduce allowable emissions, as authorized under the Commonwealth of Virginia Regulations for Control and Abatement of Air Pollution Rule 4-8—"Emission Standards for Fuel Burning Equipment," of the Clarksville facility to ensure the protection of the National Ambient Air Quality Standards (NAAQS) for SO_2.

The need to restrict the operation and reduce the allowable SO_2 emissions of the Clarksville facility was discovered through the March 9, 1990 Air Quality Impact Analysis supporting the Prevention of Significant Deterioration (PSD) air permit application for the Mecklenburg Cogeneration Limited Partnership (MCLP) facility in Mecklenburg County, Virginia. This computer modeling analysis indicated that Burlington Industries has the potential to exceed the primary and secondary NAAQS for SO_2 when operating at its maximum allowable levels according to the Virginia Regulations and current SIP. As a result, Burlington Industries voluntarily agreed to a control program with the State Air Pollution Control Board.

The Burlington Industries' control program is the basis of the Consent Agreement. The control program states that the five (5) steam-generating boilers of the seven (7) operating boilers at the Clarksville facility will be vented into an existing 235-foot stack creating a single, merged gas stream. In order to demonstrate compliance with the State Air Pollution Control Board Regulations and SIP, which prohibit the merging of gas streams unless the resultant plant-wide SO_2 emissions are less than or equal to 5,000 tons per year, Burlington Industries must limit the sulfur content of the coal burned and can not operate the two (2) non-merged boilers simultaneously. The resultant plant-wide allowable emissions under this control program are 4,849 tons per year of SO_2, thus satisfying the Board's Regulations and the SIP.

The November 19, 1991 Consent Agreement details the above operating conditions for the Clarksville facility, which will result in the reduction of allowable SO_2 emissions. A plant-wide SO_2 emission limit of 4,849 tons per year is imposed. Compliance with this annual limit shall be met over every consecutive twelve-month period on a continuous, rolling basis. Compliance shall be determined through the use of a sulfur-in-fuel content limit and an annual cap on the quantity of fuel consumed. Specific emission factors are listed to be used to determine conformance with the annual SO_2 emission limit. The Consent Agreement also stipulates that two (2) specific boilers may not be operated simultaneously.

The Agreement defines the maximum sulfur content of coal burned (1.2 percent by weight on an annual basis) and the minimum heat content (12,500 Btu/lb). Burlington Industries shall maintain and report records of the quantity and sulfur content of each fuel shipment received. The records shall be maintained for a period of no less than two (2) years.

Furthermore, the Consent Agreement outlines a specific schedule for the award of a contract by Burlington Industries for the construction of the ductwork required by the control program. Burlington Industries is required to complete all necessary modifications within a specified time period.

EPA Evaluation

EPA has evaluated Virginia's SIP revision request and concluded the following: (1) The operational and emission limitations imposed on the Burlington Industries Clarksville facility are shown by computer modeling to adequately protect the NAAQS for SO_2; (2) the operational and emission

limitations are clearly enforceable; and (3) the applicable requirements of 40 CFR part 51 have been met. A more detailed evaluation is provided in a Technical Support Document available upon request from the Regional EPA office listed in the **ADDRESSES** section of this notice.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on May 18, 1992.

Final Action

EPA is approving the Consent Agreement dated November 19, 1991 submitted by the Commonwealth of Virginia Department of Air Pollution Control as a revision to the Virginia SIP. The Consent Agreement restricts the operation and allowable SO_2 emissions of the Burlington Industries Clarksville facility, thereby ensuring the protection of the National Ambient Air Quality Standards for SO_2.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. section 605(b), I certify that this SIP revision imposing restrictions on the operation and reducing the allowable SO_2 emissions at Burlington Industries' facility in Clarksville, Virginia will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue that temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 18, 1992. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 4, 1992.

Edwin B. Erickson,

Regional Administrator, Region III.

Subpart VV, part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(96) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(96) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

(i) *Incorporation by reference.* (A) Letter from the Virginia Department of Air Pollution Control dated December 6, 1991 submitting a revision to the Virginia State Implementation Plan.

(B) Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and Burlington Industries (Source Registration No. 30401) reducing allowable emissions of sulfur dioxide, dated November 19, 1991.

(ii) *Additional materials.* (A) Remainder of the State Implementation Plan revision request submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

[FR Doc. 92–6183 Filed 3–17–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 271

[FRL–4115–5]

Guam; Final Authorization of Territorial Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The Territory of Guam has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. EPA has reviewed Guam's application and has made a decision, subject to public review and comment, that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Guam's hazardous waste program revisions. Guam's application for program revision is available for public review and comment.

DATES: Final authorization for Guam shall be effective May 18, 1992 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Guam's program revision application must be received by the close of business April 17, 1992.

ADDRESSES: Copies of Guam's program revision application are available during the business hours of 9 a.m. to 5 p.m. at the following addresses for inspection and copying:

Guam Environmental Protection Agency, Solid and Hazardous Waste Management, Harmon Plaza, Complex Unit D–107, 103 Rojas Street, Harmon, Guam 96911, Phone: (671) 646–8863/4/5.

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, California 94105, Phone: (415) 744–1510.

Written comments should be sent to April Katsura, U.S. EPA Region IX (H–2–2), 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744–2026.

FOR FURTHER INFORMATION CONTACT: April Katsura at the above address and phone number.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with,

and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Guam

Guam initially received final authorization on January 27, 1986. Guam received authorizations for revisions to its program on May 22, 1989, August 11, 1989 and March 3, 1992. On January 28, 1992, Guam submitted a program revision application for additional program approvals. Today, Guam is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Guam's application, and has made an immediate final decision that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Guam. The public may submit written comments on EPA's immediate final decision up until April 17, 1992. Copies of Guam's application for program revision are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

Approval of Guam's program revision shall become effective in 60 days unless an adverse comment pertaining to the Territory's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Guam is applying for authorization for the following Federal hazardous waste regulations:

Federal requirements	Territory authority
List (Phase I) of Hazardous Constituents for Ground Water Monitoring (52 FR 25942, July 9, 1987).	10 Guam Code Annotated (GCA) § 51103(a) (8) & (11); Hazardous Waste Management Regulations (HWMR) Part VI.A & B.
Identification and Listing of Hazardous Waste (52 FR 26012, July 10, 1987)	10 GCA § 51103(a) (8) & (11); HWMR Part III.A & B.
Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee (52 FR 44314, November 18, 1987).	10 GCA § 51103(a) (8) & (11); HWMR Parts VI.A & B and VII.A & B.
Hazardous Waste Miscellaneous Units (52 FR 46946, December 10, 1987)	10 GCA § 51103(a) (8) & (11); HWMR Parts II.B, VI.A & B and X.A & B.
Identification and Listing of Hazardous Waste; Technical Correction (53 FR 13382, April 22, 1988).	10 GCA § 51103(a) (8) & (11); HWMR Part III.A & B.
Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption (53 FR 27290, July 19, 1988).	10 GCA § 51103(a) (8) & (11); HWMR Parts II.A & B and III.A, B, C & D.
Standards Applicable to Owners and Operators of Hazardous Waste Storage and Treatment Tank Systems (53 FR 34079, September 2, 1988).	10 GCA § 51103(a) (8) & (11): HWMR Parts II.A & B, VI A & B, and VII.A, B & J.
Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification (53 FR 35412, September 13, 1988).	10 GCA § 51103(a) (8) & (11); HWMR Part III.A & B.
Permit Modifications for Hazardous Waste Management Facilities (53 FR 37912, September 28, 1988, as amended on October 24, 1988 at 53 FR 41649).	10 GCA § 51103(a) (8) & (11): HWMR Parts II.D, VI.A & B, X.A & L–R and XI.A & D.
Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities (53 FR 39720, October 11, 1988).	10 GCA § 51103(a) (8) & (11); HWMR Part VI.A & B.
Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes (53 FR 43878, October 31, 1988).	10 GCA § 51103(a) (8) & (11); HWMR Part III.A & B.
Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes (53 FR 43881, October 31, 1988).	10 GCA § 51103(a) (8) & (11); HWMR Part III.A & B.
Standards for Generators of Hazardous Waste; Manifest Renewal (53 FR 45089, November 8, 1988).	10 GCA § 51103(a) (8) & (11): HWMR Part IV.A & B.
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (54 FR 615, January 9, 1989).	10 GCA § 51103(a) (8) & (11); HWMR Parts III.A & B, VI.A & B, and X.A & B.
Hazardous Waste Incinerator Permits, Amendment Requirements (54 FR 4286, January 30, 1989).	10 GCA § 51103(a) (8) & (11); HWMR Part X.A & B.
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting (54 FR 9596, March 7, 1989).	10 GCA § 51103(a) (8) & (11); HWMR Parts X.A, B & C and XI.A & N.

Guam will not have issued any Territorial hazardous waste permits prior to being authorized for the above program revisions. The Territorial program does not include jurisdiction over Indian Lands; there are no Indian Lands in Guam.

C. Decision

I conclude that Guam's application for program revision meets RCRA. Accordingly, Guam is granted final authorization to operate its hazardous waste program as revised. Guam has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984. Guam also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Guam's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the Territory. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations,

Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 10, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92-6180 Filed 3-17-92; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-274-AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which currently requires external inspections of the circumferential fuselage splices and internal inspections of certain bonded doublers for delamination, cracking, corrosion, and repair, if necessary. This action would clarify the terminating action expand the area of inspection, and update the inspection procedures. This proposal is prompted by reports from operators of additional skin cracks, corrosion, and delamination between the skin and doubler. This condition, if not corrected, could result in rapid decompression of the airplane.

DATES: Comments must be received no later than May 11, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-274-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bui, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2775; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-274-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-274-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion:

On April 8, 1991, the FAA issued AD 91-09-10, Amendment 39-6978 (56 FR 18689, April 24, 1991), to require external inspections of circumferential fuselage splices and internal inspections of certain bonded doublers on Model 737 series airplanes for delamination, cracking, and corrosion. That action was prompted by reports of cracking of the circumferential fuselage skin splices and several reports of delamination of the bonded doubler. The requirements of that AD are intended to prevent rapid decompression of the airplane.

Since the issuance of that AD, operators have reported additional skin cracks, corrosion, and delamination between the skin and doubler. The FAA has determined that galley door, electrical/electronic door, and airstair cutouts also need to be inspected because of reports of delamination and corrosion of the bonded doubler that have been found recently in these areas. Such delamination and corrosion presents the same unsafe condition addressed by the existing AD.

The FAA has reviewed and approved Boeing Service Bulletin 737-53-1076, Revision 4, dated September 26, 1991, that describes procedures for visual, ultrasonic, high frequency eddy current, and low frequency eddy current inspections; repair; and a terminating modification consisting of replacement of fasteners with protruding head fasteners.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 91-09-10 with a new airworthiness directive that would expand the area requiring inspections to detect disbonding to include all non-riveted areas of bonded doublers around each major skin cut-out and bonded doublers in the area of galley door, electrical/electronic door, and airstair cutouts. The terminating action has been clarified to specify that all fasteners in the forward-most and aft-most row of fasteners must be replace with standard oversize protruding head solid fasteners at all circumferential fuselage splices; this terminating action is for the modified areas only. The actions would be required to be accomplished in accordance with the procedures specified in the service bulletin described previously.

There are approximately 519 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 213 airplanes of U.S. registry would be affected by this AD.

To accomplish the procedures currently required by AD 91-09-10 requires approximately 262 work hours per airplane; to accomplish the new procedures that would be required by this AD action would require 2 additional work hours per airplane. The average labor cost would be $55 per work hour. Based on these figures, the additional costs incurred by U.S. operators as a result of the new requirements proposed in this AD action would be $23,430; the total cost impact of this AD (including the actions previously required by AD 91-09-10) on U.S. operators would be $3,092,760.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6978 (56 FR 18689, April 24, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket No. 91-NM-274-AD. Supersedes AD 91-09-10, amendment 39-6978.

Applicability: Model 737 series airplanes, listed in Boeing Service Bulletin 737-53-1076, Revision 4, dated September 26, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent decompression of the airplane, accomplish the following:

(a) Within 1,000 flight cycles or 3 months after May 28, 1991 (the effective date of AD 91-09-10, amendment 39-6978), whichever occurs first, unless accomplished within the last 12 months, perform an external close visual inspection for corrosion or evidence of delamination in all circumferential skin butt splices from body station (BS) 259.5 to BS 1016, and in the areas of the bonded internal doublers around the major skin cutouts for entry, cargo, nose landing gear, overwing exit doors, and in the area from BS 360 to BS 420 between stringer (S)-15L and S-25L, in accordance with Boeing Service Bulletin 737-53-1076, Revision 2, dated February 8, 1990.

(b) Within 1,000 flight cycles or 3 months after the effective date of this AD, whichever occurs first, unless accomplished within the last 12 months, perform an external close visual inspection for corrosion or evidence of delamination, in the areas of bonded internal doublers around the skin cutouts for the galley door, electrical/electronic door, and airstair in accordance with Boeing Service Bulletin 737-53-1076, Revision 4, dated September 26, 1991 (hereinafter referred to as "the Service Bulletin").

(c) As a result of the inspections required by paragraph (a) and (b) of this AD, accomplish one of the following:

(1) If no corrosion or evidence of delamination is found, repeat the external close visual inspection at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(2) If corrosion is found, prior to further flight, repair in accordance with paragraph (f) of this AD. Following repair, continue to repeat the external close visual inspection at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(3) If delamination is found, prior to further flight, repair in accordance with paragraph (g) of this AD. Following repair, continue to repeat the external close visual inspection at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(d) Within 500 flight cycles after the effect date of this AD; or prior to the accumulation of 40,000 flight cycles for Group 1 airplanes and 60,000 flight cycles for Group 2 airplanes; whichever occurs later, unless accomplished within the last 4,000 flight cycles; accomplish the following:

(1) Perform the following external inspections:

(i) High frequency eddy current (HFEC) inspection for cracks in the skin common to the forward-most and aft-most row of fasteners in the circumferential skin splice over the crown from S-10L to S-10R, in accordance with the Service Bulletin.

(ii) Close visual inspection for skin cracks, and loose or missing fasteners in all circumferential skin butt splices from BS 259.9 to BS 1016, in accordance with the Service Bulletin.

(iii) Close visual inspection for skin cracks in the area of the bonded internal doublers around the skin cutouts for entry, galley, cargo, nose landing gear, airstairs, electrical/electronic door, overwing exit doors, and in the area from BS 360 to BS 420 between S-15L and S-25L, in accordance with the Service Bulletin.

(2) As a result of the inspections required by paragraph (d)(1) of this AD, accomplish either subparagraph (d)(2)(i) or (d)(2)(ii) of this AD, as applicable:

(i) If no cracks are found, repeat the inspections required by paragraph (d)(1) of this AD at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first; or accomplish the terminating action in accordance with the Service Bulletin.

(ii) If cracks are found, prior to further flight, repair in accordance with paragraph (g) of this AD. Following repair, continue to inspect in accordance with paragraph (d)(1) of this AD at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(3) Replacement of all fasteners in the forward-most and aft-most row of fasteners with standard oversize protruding head solid fasteners at all circumferential fuselage splices, in accordance with the Service Bulletin, constitutes terminating action for the circumferential skin butt splice crack inspections required by this AD for the modified areas only.

(e) For Group 1 airplanes, within the next 4,500 flight cycles or 15 months after the effective date of this AD, whichever occurs first; or prior to the accumulation of 40,000 flight cycles, whichever occurs later; unless previously accomplished within the last 7,500 flight cycles; accomplish the following:

(1) Perform the following internal inspections:

(i) Close visual inspection for cracks, corrosion, and delamination, of the bonded doublers around all major skin cutouts for entry, galley, cargo, nose landing gear, airstairs, electrical/electronic door, overwing exit doors, and in the area from BS 360 to BS 420 between S-15L and S-25L, and at each circumferential but splice from BS 277 through BS 1016, in accordance with the Service Bulletin.

(ii) Ultrasonic inspection for corrosion and delamination of all non-mechanically fastened areas of the bonded doublers around all major skin cutouts for entry, galley, cargo, nose landing gear, airstairs, electrical/electronic door, and overwing exit doors, in accordance with the Service Bulletin.

(2) As a result of the inspections required by paragraph (e)(1) of this AD, accomplish either subparagraph (e)(2)(i) or (e)(2)(ii) of this AD, as applicable:

(i) If no cracks, corrosion, or delamination is found, repeat the inspections required by paragraph (e)(1) of this AD at intervals not to exceed 12,000 flight cycles or 4 years, whichever occurs first.

(ii) If corrosion is found, prior to further flight, repair in accordance with paragraph (f) of this AD. Following repair, continue to inspect in accordance with paragraph (e)(1) of this AD at intervals not to exceed 12,000 flight cycles or 4 years, whichever occurs first.

(f) In areas where corrosion is found, but evidence of cracking is NOT found, as a result of the inspections required by paragraphs (a), (b), (d), and (e) of this AD, prior to further flight, perform a low frequency eddy current (LFEC) inspection to determine the amount of material loss.

(1) If material loss is less than 10% of the skin or doubler thickness, prior to further flight, accomplish either subparagraph (f)(1)(i) or (f)(1)(ii) of this AD:

(i) Accomplish the repair in accordance with the Service Bulletin; or

(ii) Conduct repetitive LFEC inspections thereafter at intervals not to exceed 2,250 flight cycles or 6 months, whichever occurs first, until the repair is accomplished.

(2) If material loss is equal to or greater than 10% of the skin or doubler thickness, prior to further flight, repair in accordance with the Service Bulletin.

(g) In areas where cracks or delamination are found as a result of the inspections required by paragraphs (a), (b), (d), and (e) of this AD, prior to further flight, repair in accordance with the Service Bulletin.

(1) Blind fasteners may be used as temporary repair only. Repairs using blind fasteners must repetitively inspect for loose or missing fasteners at intervals not to exceed 3,000 flight cycles following installation, and replaced until 10,000 flight cycles following installation.

(2) Repairs previously installed with blind fasteners prior to May 28, 1991, but be inspected for loose or missing fastnerships within 1,000 flight cycles after May 28, 1991, and thereafter at intervals not to exceed 3,000 flight cycles. Blind fasteners must be replaced with protruding head solid fasteners within 10,000 flight cycles following installation.

(3) If any loose or missing blind fasteners are found, prior to further flight, replace with solid type fasteners in accordance with the Service Bulletin.

(h) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(i) Special flight permits may be issued in accordance with FAR 21.197 and 21.197 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on March 10, 1992.

James V. DeVany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6255 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-26-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Boeing Model 757 series airplanes. This proposal would require repetitive checks of the passenger door emergency power assist assembly, and correction of any discrepancies found. This proposal is prompted by reports of corroded or seized bearings found in the emergency power assist assembly of the passenger doors. The actions specified by the proposed AD are intended to prevent seizure of the passenger door emergency power assist support bearings, which could impede the opening of an exit door during an emergency evacuation.

DATES: Comments must be received by May 4, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Airplane Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-26-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Monica L. Nemecek, Aerospace Engineer, Crashworthiness and Interiors Section, ANM-120S, Seattle Aircraft Certification Office; telephone (206) 227-2773; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-26-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Northwest Mountain Region, Transport Airplance Directorate, ANM-103, Attention: Rules Docket No. 92-NM-26-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The manufacturer has reported that several operators of Boeing Model 757 series airplanes have discovered corroded bearings in the emergency power assist assembly of the passenger doors. One operator reported that bearings in the passenger door emergency power assist assembly were damaged or seized. Subsequently, another operator reported a similar occurrence of a seized bearing that had affected the emergency power cable travel. The manufacturer has reported that bearing seizure can be attributed to the lack of anti-corrosive lubrication. Although these bearings are initially packed with grease when installed on an airplane, reapplication of grease is necessary to ensure their successful opeation in the assembly.

When the bearing is completely seized, it will not allow the mechanism to rotate and pull the cable sufficiently to activate the power reservoir. The reservoir releases pressurized gas to the actuator, which operates the door during an emergency. This condition, if not corected, could result in seizure of the

passenger door emergency power assist support bearings, which could impede the opening of an exit door during an emergency evacuation.

The FAA has reviewed and approved Boeing Service Letter 757–SL–52–6, dated September 17, 1991, that describes procedures for performing a check of the passenger door emergency power assist cable travel and correction of discrepancies identified.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive checks of the passenger door emergency power assist cable travel, and correction of any discrepancies ientified. The actions are required to be accomplished in accordance with the service letter described previously.

The proposed AD would also provide for an optional terminating action for the repetitive checks, consisting of replacement of the existing bearing with a stainless steel bearing, bearing seal, and back-up ring. The terminating action would be required to be accomplished in accordance with a method approved by the FAA. (Boeing has advised the FAA that it is currently developing a service bulletin that will contain procedures for accomplishing the optional terminating action specified in this proposed AD.)

There are approximately 428 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 264 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 21 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $304,920, or $1,155 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessmesnt.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Fedeal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92–NM–26–AD.

Applicability: All Boeing Model 757 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent seizure of the passenger door emergency power assist support bearings, which could impede the opening of an exit door during an emergency evacuation, accomplish the following:

(a) Prior to or upon the accumulation of 8,000 flight hours or within 1,500 flight hours after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 4,000 flight hours; perform a check of the ermgency power assist cable travel to detect corroded or seized bearings, in accordance with Boeing Service Letter 757–SL–52–6, dated September 17, 1991. If discrepancies are detected, prior to further flight, correct them in accordance with the service letter.

(b) Replacement of the existing bearing with a stainless steel bearing, bearing seal, and back-up ring, in accordance with a manner approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, constitutes terminating action for the requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle ACO, FAA, Transport Airplance Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 4, 1992.

Darrell M. Pederson,

Acting Manager, Trasnsport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–6256 filed 3–17–92; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1211

Certification and Recordkeeping for Automatic Residential Garage Door Operators: Proposed Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Consumer Product Safety Act ("CPSA") requires that manufacturers and private labelers of a product subject to a consumer product safety rule certify that the product conforms to all applicable safety standards. As part of the Consumer Product Safety Improvement Act of 1990, Congress mandated that certain entrapment protection requirements for automatic residential garage door operators would become a consumer product safety rule. The Commission codified these requirements on June 19, 1991. Thus, all manufacturers of automatic residential garage door operators are currently required to certify that their garage door operators manufactured on or after January 1, 1991 comply with the requirements of the consumer product safety rule.

The Commission is proposing a certification rule requiring specific certification labeling for non-UL listed automatic residential garage door operators that comply with additional entrapment protections mandated for 1993. The Commission is also proposing a recordkeeping rule that will establish recordkeeping requirements for all automatic residential garage door operators subject to the safety standard. Both the proposed recordkeeping and certification rules, if issued in final form, would become effective on January 1, 1993.

DATES: Written comments in response to this notice must be received by the Commission no later than June 1, 1992.

ADDRESSES: Comments should be mailed, preferably in five (5) copies, to

the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland; telephone (301) 504–0800.

FOR FURTHER INFORMATION CONTACT: George Sushinsky (301) 443–1155.

SUPPLEMENTARY INFORMATION:

A. Background

1. Section 203 of the CPSIA

Section 203 of the Consumer Product Safety Improvement Act of 1990 ("CPSIA") requires all automatic residential garage door operators manufactured on or after January 1, 1991 to conform to entrapment protection provisions of the Underwriters Laboratories, Inc. ("UL") Standard for Safety, UL 325, in effect at that time and as revised in the future. On June 19, 1991, the Commission published in the **Federal Register** a codification of the requirements established by Congress as a safety standard. 56 FR 28050.

The CPSIA also mandates that on January 1, 1993 the additional entrapment protections of a revised UL standard will become effective as a mandatory Commission standard. Thus, on January 1, 1993, all automatic residential garage door operators manufactured on or after that date will have to comply with the entrapment protection provisions of the revised UL standard.

Section 203(d) of the CPSIA requires manufacturers to identify clearly on the garage door operator and its container the month or week and year the operator system was made and its conformance with the entrapment protection provisions of UL 325. This section also states that the display of the UL logo or listing mark, and compliance with the date marking requirements of UL 325, on both the operator system and its container, shall satisfy the labeling requirements of section 203(d). The Commission interprets this to mean that compliance with section 203(d) also satisfies certification labeling requirements that CPSC may implement the proposed certification rule will specify certification labeling required for those automatic garage door operators that are not UL certified. The proposed recordkeeping requirements, however, will apply to all automatic residential garage door operators.

2. Certification Under the CPSA

Section 14(a)(1) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. 2063(a)(1), requires manufacturers (including importers) and private labelers of a product subject to a consumer product safety standard to issue a certificate which states that the product conforms to all applicable consumer product safety standards, specifies the applicable standard, states the name of the manufacturer or private labeler issuing the certificate, and includes the date and place of manufacture. The certificate must accompany the product or be furnished to any distributor or retailer to whom the product is delivered. Section 14(a) also requires that the certificate be based on a test of each product or upon a reasonable testing program. 15 U.S.C. 2063(a). Section 14(c) of the CPSA authorizes the Commission to issue rules requiring a product to bear a label containing information similar to that required by section 14(a) for certificates.

The failure to issue a certificate of compliance or the issuance of a certificate which is false or misleading in any material respect violates section 19(a)(6) of the CPSA, *id.* sec. 2068(a)(6), and may subject the firm to civil and criminal penalties as provided in sections 20 and 21 of the CPSA. *Id.* secs. 2069 and 2070.

Thus, the CPSA and CPSIA currently require that garage door operators manufactured on or after January 1, 1991 certify that they comply with the entrapment protection provisions of UL 325, now codified as a Commission rule, 56 FR 28050. While certification is currently required by section 14(a) of the CPSA, presently, the specific wording and form of the certification may be determined by the manufacturer. Congress stated, however, that the UL logo or listing mark will satisfy the labeling requirement.

3. The Proposed Certification Rule

The Commission is issuing this proposed certification regulation to specify the certification label that manufacturers, importers, and private labelers will use in the future in certifying that their products comply with the applicable safety standard. The certification rule will apply to automatic residential garage door operators, except that use of the UL label will fulfill the certification labeling requirement.

As stated above, section 203(d) of the CPSIA requires certain labeling on the operator system and its container. (Unlike section 14 of the CPSA, section 203(d) does not specifically discuss the responsibility of private labelers to label operators or containers.) Section 203(d) also states that display of the UL logo or listing mark and compliance with the date marking requirements of UL 325 satisfies the labeling requirements of section 203(d). Accordingly, those manufacturers that have obtained UL certification of their operators may allow the UL logo or listing mark to serve as the "certificate of compliance" required by this certification rule. Those manufacturers that have not obtained UL certification for their operators will be required to issue satisfactory certificates of compliance in the form of permanent labels attached to each operator and its container. The proposed rule provides guidance to manufacturers concerning the certification required by section 14 of the CPSA, and it describes the certification label that would be required of non-UL listed automatic residential garage door operators after December 31, 1992.

As discussed above, Congress provided that revised UL entrapment protections will go into effect as a Commission rule on January 1, 1993. A certification labeling rule proposed now for the 1991 standard would be in effect for only a few months before firms would have to start certifying compliance with the 1993 standard. Thus, firms that are not UL listed would be required to use a CPSC certification label certifying to the 1991 standard for only a few months before needing to certify to the 1993 standard. This would result in garage door operators that comply with all 1991 safety requirements and are labeled for the 1991 standard competing in the marketplace with other garage door operators that also comply with all 1991 safety requirements but are not so labeled. To avoid this confusion, the Commission decided to propose that the rule specifying the certification label would go into effect in 1993.

4. The Proposed Recordkeeping Rule

The recordkeeping requirements of the proposed rule apply to all manufacturers regardless of whether their operators obtained UL certification. The proposed recordkeeping rule will also become effective on January 1, 1993. The proposed recordkeeping rule will aid the Commission in enforcing the safety standard.

B. Summary of the Proposed Certification and Recordkeeping Rules

1. Certification Testing

The proposed certification rule restates the requirement of 14(a) of the CPSA that manufacturers (defined to include importers and, for purposes of testing only, assemblers) and/or private labelers must either test each individual

operator or devise "reasonable testing programs." A "reasonable testing program" is defined in the proposed rule as one which provides reasonable assurance that the certified operators comply with the standard. The proposed rule allows manufacturers and importers to develop their own reasonable testing programs.

The Commission believes that it is unnecessary to specify the testing program for the manufacturers. An operator's ability to meet the performance requirements is controlled by the operator's design, materials, and method of production. The Commission will test for compliance with the standard by using procedures based on the requirements contained in 16 CFR part 1211 and based on the requirements as revised in 1993. A manufacturer's tests may include tests prescribed in 16 CFR part 1211 or other reasonable test procedures that can be demonstrated to provide an equivalent measure of entrapment protection.

Although no particular testing program is specified, the proposed rule describes general principles that should be followed in a "reasonable testing program." For certification testing, the operators should be grouped into "production lots." Production lots are defined as a quantity of operators from which certain operators are selected for testing prior to certifying the lot. All operators in a production lot should be essentially identical in those design, construction, and material features which relate to the ability of an operator to comply with the standard. Sample operators are then selected from the production lot for testing in accordance with the reasonable testing program.

If the production lot has been properly limited as to number and design of operators, it should be possible for a manufacturer to test samples from the lot for certification and not to test again as long as the operators in the production lot are essentially identical to the operators tested for certification in all respects relating to the ability of the operator to meet the requirements of the standard. After a lot has been established, if there are any changes in the specifications for the operator which could affect the operator's performance in relation to the requirements of the standard, the manufacturer should establish a new production lot for testing. Similarly, if there are changes in parts, suppliers of parts, or production methods which could affect the ability of the operator to comply with the standard, the manufacturer should establish a new production lot for testing. Furthermore, if the testing program shows that an operator does not comply with a requirement of the standard, no operator in the production lot should be certified as complying until all non-complying operators in the lot have been identified and destroyed or altered by repair, redesign, or use of different materials or components to the extent necessary to make the operators conform to the standard.

It should be noted that the obligation to issue a certificate of compliance based on a reasonable testing program is in addition to, and not in place of, the obligation to manufacture, import, distribute, or private label only operators which meet the requirements of the standard.

Consequently, if the Commission tests operators in accordance with the standard and obtains failing results, the Commission may begin enforcement action for violation of section 19(a)(1) of the CPSA, even though the manufacturer or importer of the operator may have issued a certificate of compliance and may have based that certificate on a reasonable testing program which meets the requirements of the proposed regulation below.

Section 22 of the CPSA authorizes the Commission to enjoin any person from violating section 19, and to seize any product which does not comply with an applicable standard. 15 U.S.C. 2071(a)(1). In addition, sections 20 and 21 of the CPSA authorize the Commission to seek civil or criminal penalties for violation of the CPSA in appropriate cases. *Id.* secs. 2069 and 2070.

2. Product Certification and Labeling

The proposed certification rule requires manufacturers (including importers) and/or private labelers of non-UL listed automatic residential garage door operators manufactured after December 31, 1992, to affix to the operators permanent labels which shall be considered a "certificate" of compliance, as that term is used in section 14(a) of the CPSA. Section 14(a) directs manufacturers and private labelers—if the product bears a private label—to certify that a product conforms to the garage door operator safety rule. *Id.* sec. 2063(a)(1). Even though section 203(d) of the CPSIA requires only manufacturers to label operator systems and containers in a certain way, the Commission believes that, since the authority for the proposed certification rule rests in section 14 of the CPSA, the proposed rule should apply to private labelers in a manner consistent with the terms of section 14 of the CPSA.

As mentioned above, section 203(d) of the CPSIA states that display of the UL logo or listing mark, and compliance with the date marking requirements of UL 325, on the operator and its container satisfies the labeling requirements of the garage door safety rule. In view of that provision, the Commission believes that the UL logo or listing mark on the operator and compliance with the date marking requirements of UL 325 (as codified at 16 CFR 1211.6), should also satisfy the certificate of compliance/permanent label aspect of the proposed certification rule. Any operator that is UL listed and bears the UL logo or listing mark will not be required to display the separate certification label described below. However, manufacturers and private labelers of UL listed operators may choose to use the certification label on the operator and its container if they wish.

The certification label required on non-UL listed operators (and their containers) must include the following information: (1) The statement: "Meets CPSC _____ [insert 1993 or later year of applicable standard] garage door operator entrapment protection requirements," and (2) identification of the production lot. The standard, at 16 CFR 1211.6, already requires the manufacturer's name, the system date code, and the factory location (where more than one factory is used to produce the operator). All of this information may be placed on the same label.

The certification label should be visible and legible to the ultimate consumer. It should be a permanent part of the operator and should remain affixed for the life of the operator. It is expected, however, that the permanent label on the operator will not be immediately visible to the consumer at the time of sale because of packaging or other marketing practices. In that event, a second label stating "Meets CPSC _____ [Insert 1993 or later year of applicable standard] garage door operator entrapment protection requirements," along with the month or week and year of manufacture as required by § 1211.7, is required on the container, or if the container is not visible, on the promotional material used with the sale of the operators.

In deciding that certification for garage door operators be in the form of a permanent label rather than a separate certificate supplied to persons in the distribution chain, the Commission points out that the label will be visible to all in the distribution chain, and the certification will be immediately available if any questions concerning a particular operator's compliance with the standard arise. The

Commission believes that a permanent label will benefit consumers and industry, as well as the Commission, in the following ways:

1. A permanent label will make it easier to determine whether a particular operator was certified to comply with the standard. In the event an operator is involved in an injury or death, for example, any investigating party can tell immediately if the operator was certified.

2. A permanent label will enable CPSC investigators who are screening operators for compliance to distinguish between operators manufactured before and those manufactured after the standard without examining retailers' or distributors' shipping records. An examination of shipping records can be time-consuming and difficult.

3. Permanent labels with an identification of the manufacturing dates will be advantageous to manufacturers, distributors, retailers, private labelers, and consumers in the event of a recall under section 15 of the CPSA. If the recall is limited to a certain production period, the label will help in identifying and limiting those operators which are subject to the recall.

The proposed rule provides that importers of operators should issue certification labels, but may rely on the foreign manufacturers' tests to support the certification if the records of the tests are maintained in the United States and the importer is a resident of the U.S. or has a resident agent in the U.S. Requirements that manufacturer's records of the type described above must be maintained in the U.S. and the importer must reside, or maintain a resident agent, in this country are necessary to enable the Commission investigators to inspect the records and monitor compliance with the standard. Importers who certify are responsible for inspecting the test records to determine that all testing has been performed properly, that the records of the tests are accurate and complete, and that the tests provide reliable assurance that all operators imported comply with the standard.

3. Recordkeeping

The proposed recordkeeping rule requires that manufacturers (including importers) of automatic residential garage door operators subject to the standard maintain written records demonstrating that compliance certificates are based on tests of each operator or a reasonable testing program.

Private labelers of the operators should maintain records which allow them to identify the manufacturer of each operator and relate each operator to a particular manufacturing date code and production lot.

No specific format is prescribed for the records, but the records should contain sufficient information to show the nature of a firm's testing procedures, including the basis for, and identity of, the production lot. The records should also show whether the operators (which are being marketed and certified to comply with the standard) are essentially identical, in every respect that relates to compliance with the standard, to the operators that were tested for conformance with the standard. The records should also indicate exactly which operators or production lots of operators are being certified as a result of a specified test or series of tests. Records should describe the type of tests conducted (in sufficient detail that they may be replicated), the production interval selected, the sampling scheme and the pass/reject criteria. Records of testing results should include the date and location of testing, the identity of passing and failing units, the nature of failure(s) and specific reasons for failure. The records should state the specific actions taken to address any failure and the additional actions taken to assure that corrective actions had the intended effect.

The records must be maintained a minimum of three years from the date of certification of each operator or the last operator in each production lot. This is because the Commission staff estimates that some operators can reasonably be expected to remain in inventory and not reach consumers for a period of three years, and the staff is particularly interested in being able to check the records concerning any operators held in inventory.

In addition to aiding the Commission's enforcement of the standard and the certificaion rule, these records could be helpful to a manufacturer in limiting the scope of a possible recall order under section 15 of the CPSA. See 15 U.S.C. 2064. (The Commission is authorized under section 15 to order a manufacturer of a product which is found, after opportunity for a hearing, to present a "substantial product hazard" to elect on of the following remedies: repair the defective product, replace the product with a non-defective product or refund the purchase price of the product. "Substantial product hazard" is defined in section 15 to mean a failure to comply with an applicable consumer product safety rule, or a product defect, if either creates a substantial risk of injury to the public.) Records of the date and location of manufacture, dates of changes in specifications, parts, suppliers, or manufacturing procedures, and the dates and results of quality control or recertification testing are examples of the types of information which could serve to identify the period of time during which non-complying or defective operators were manufactured. In the absence of such information, the entire production of a particular type of operator could be subject to a recall order.

The recordkeeping requirements of the proposed rule are issued under the authority of section 16(b) of the CPSA, which authorizes requirments for the establishment and maintenance of records that are necessary to implement the act or to determine compliance with regulations issued under the act. 15 U.S.C. 2065(b). The Commission believes the records required by the proposed rule are necessary to monitor compliance with the garage door operator standard.

Section 16(b) further provides that these records must be made available for inspection by duly designated agents of the Commission upon request. *Id.*

C. Anticipated Impact of the Proposed Rules

1. The Proposed Certification Rule

The stock of garage door operators in use is estimated to be at least 27 million units (with an average life expectancy of 15 years), of which 19 million were manufactured since 1982; the year the UL voluntary standard was revised to include entrapment protection provisions. In a 1991 industry survey, the Commission staff found that 14 firms manufactured or imported garage door operators, of which 12 are listed as complying with UL 325. Four of these 12 firms account for over 70 percent of the garage door operator market. In 1990, shipments were estimated at up to 2.5 million units with retail revenues of $552 million.

Industry representatives estimated that increases in per unit labeling costs for firms maketing non-UL operators will range from as low as $.10–.25 (when labeling is phased into the production process), to as high as $1.10 (when labeling requires the over-striking of inventory). Thus, the annual cost for non-UL listed firms will be at least $2,500. These costs are based on an estimate that 99% of all operators are UL-listed and on 1990 levels of production (about 2.48 million UL-listed and 25,000 non UL-listed operators).

It is anticipated that manufacturers of garage door operators will pass any increases in costs resulting from the proposed certification rule directly to

the consumer. An estimate of the per unit retail price impact of certification labeling on non-UL listed residential garage door operators would range from $.22 to as high as $2.42. This represents a total annual cost of $5,500 based on recent annual sales.

2. The Proposed Recordkeeping Rule

The majority of firms manufacturing garage door operators are listed as complying with the UL 325 standard, and these firms have recordkeeping activities related to the UL requirments. The proposed recordkeeping rule will have minimal additional impact on variable costs for these firms. There are no data on the per unit recordkeeping costs for non-UL listed operators. However, since the certification and recordkeeping rule for walk-behind mowers issued in 1979 closely parallels the proposed rules for garage door operators, a rough approximation can be derived by using the per unit retail price impact of the recordkeeping rule estimated for walk-behine mowers. In May 1977, Stanford Research Institute predicted the per unit retail price impact of that recordkeeping to be $.50 ($1.08 in 1990 dollars). Based on 1990 unit sales of about 25,000 non UL-listed operators, this represents a total annual cost to consumers of about $27,000 for the non-UL listed operators.

D. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, agencies are generally required to prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities, unless the head of the agency certifies that the rule will not, if promulgated, have a significant effect on a substantial number of small entities.

The Commission staff analyzed the potential effect the proposed certification and recordkeeping rules could have on industry. The cost to industry is not anticipated to be large. Potential effects on small firms would not be disproportionate to the effects on larger firms. Thus, the Commission certifies that no significant adverse impact on a substantial number or entities would result from the proposed rules.

E. Environmental Considerations

The Commission's rules at 16 CFR part 1021 provide that product certification or labeling rules normally have no potential for affecting the environment. 16 CFR 1021.5(b)(2). The Commission finds that the proposed certification and recordkeeping rules would have no significant effect on the human environment and that no environmental review is necessary.

F. Proposed Effective Date

The Commission proposes that the labeling certification and recordkeeping rules will become effective on January 1, 1993.

List of Subjects in 16 CFR Part 1211

Consumer protection, Labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Consumer Product Safety Commission proposes to amend 16 CFR part 1211 as set forth below.

PART 1211—SAFETY STANDARD FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS

1. The authority citation for part 1211 is revised to read as follows:

Authority: Secs. 14 and 16, 15 U.S.C. 2063 and 2065.

2. The existing text of part 1211 is designated as

Subpart A—The Standard

3. Part 1211 is amended by adding new subpart B, consisting of §§ 1211.10 through 1211.15, and new subpart C, consisting of §§ 1211.20 and 1211.21 to read as follows:

Subpart B—Certification

Sec.
1211.10 Purpose, scope, and application.
1211.11 Effective date.
1211.12 Definitions.
1211.13 Certification testing.
1211.14 Product certification and labeling by manufacturers.
1211.15 Product certification and labeling by importers.

Subpart C—Recordkeeping

Sec.
1211.20 Effective date.
1211.21 Recordkeeping requirements.

Subpart B—Certification

§ 1211.10 Purpose, scope, and application.

(a) *Purpose.* Section 14(a) of the Consumer Product Safety Act, 15 U.S.C. 2063(a), requires every manufacturer (including importers) and private labeler of a product which is subject to a consumer product safety standard to issue a certificate that the product conforms to the applicable standard, and to base that certificate either on a test of each product or on a "reasonable testing program." The purpose of this subpart is to establish requirements that manufacturers and importers of automatic residential garage door operators subject to the Safety Standard for Automatic Residential Garage Door Operators (16 CFR part 1211, subpart A), shall issue certificates of compliance in the form specified.

(b) *Scope and application.* The provisions of this subpart apply to all residential garage door operators which are subject to the requirements of the Safety Standard for Automatic Residential Garage Door Operators that take effect on January 1, 1993 or later.

§ 1211.11 Effective date.

Under the Consumer Product Safety Act, automatic residential garage door operators must certify that they comply with requirements of subpart A of this part. This certification requirement is currently in effect. The specific labeling requirement of the certification rule in this subpart will become effective for any automatic residential garage door operator manufactured on or after January 1, 1993.

§ 1211.12 Definitions.

The following definitions shall apply to this subpart:

(a) *Private labeler* means an owner of a brand or trademark which is used on an operator subject to the standard and which is not the brand or trademark of the manufacturer of the operator, provided the owner of the brand or trademark caused or authorized the operator to be so labeled and the brand or trademark of the manufacturer of such operator does not appear on the label.

(b) *Production lot* means a quantity of garage door operators from which certain operators are selected for testing prior to certifying the lot. All garage door operators in a lot must be essentially identical in those design, construction, and material features which relate to the ability of an operator to comply with the standard.

(c) *Reasonable testing program* means any test or series of tests which are identical or equivalent to, or more stringent than, the tests defined in the standard and which are performed on one or more garage door operators of the production lot for the purpose of determining whether there is reasonable assurance that the operators in that lot comply with the requirements of the standard.

§ 1211.13 Certification testing.

(a) *General.* Manufacturers and importers shall either test each individual garage door operator (or have it tested) or shall rely upon a reasonable testing program to demonstrate compliance with the requirements of the standard.

(b) *Reasonable testing program.* This paragraph provides guidance for establishing a reasonable testing program.

(1) A reasonable testing program for automatic residential garage door operators is one that provides reasonable assurance that the operators comply with the standard. Manufacturers and importers may define their own testing programs. Such reasonable testing programs may, at the option of manufacturers and importers, be conducted by an independent third party qualified to perform such testing programs.

(2) To conduct a reasonable testing program, the garage door operators should be divided into production lots. Sample operators from each production lot should be tested in accordance with the reasonable testing program so that there is a reasonable assurance that if the operators selected for testing meet the standard, all operators in the lot will meet the standard. Where there is a change in parts, suppliers of parts, or production methods that could affect the ability of the operator to comply with the requirements of the standard, the manufacturer should establish a new production lot for testing.

(3) The Commission will test for compliance with the standard by using the test procedures contained in the standard. However, a manufacturer's reasonable testing program may include either tests prescribed in the standard or any other reasonable test procedures.

(4) If the reasonable testing program shows that an operator does not comply with one or more requirements of the standard, no operator in the production lot can be certified as complying until all non-complying operators in the lot have been identified and destroyed or altered by repair, redesign, or use of a different material or components to the extent necessary to make them conform to the standard. The sale or offering for sale of garage door operators that do not comply with the standard is a prohibited act and a violation of section 19(a) of the CPSA (15 U.S.C. 2068(a)), regardless of whether the operator has been validly certified.

§ 1211.14 Product certification and labeling by manufacturers.

(a) *Form of permanent label of certification.* Manufacturers (including importers) shall issue certificates of compliance for automatic residential garage door operators manufactured after the effective date of the standard in the form of a permanent label which can reasonably be expected to remain on the operator during the entire period the operator is capable of being used. Such labeling shall be deemed to be a "certificate" of compliance as that term is used in section 14 of the CPSA, 15 U.S.C. 2063.

(b) *Exception for UL listed operators.* The certification labeling requirement of paragraph (a) of this section shall be satisfied by display of the Underwriters Laboratories, Inc. (UL) logo or listing mark, and compliance with the date marking requirements of UL Standard for Safety 325, on both the operator system and its container. Operators displaying the UL logo or listing mark and complying with the UL standard are exempt from the requirements of paragraphs (c) and (d) of this section.

(c) *Contents of certification label.* The certification labels required by this section shall clearly and legibly contain the following information:

(1) The statement "Meets CPSC _____ [insert 1993 or later date of applicable standard] garage door operator entrapment protection requirements."

(2) An identification of the production lot.

(d) *Placement of the label.* The label required by this section must be affixed to the operator. If the label is not immediately visible to the ultimate purchaser of the garage door operator prior to purchase because of packaging or other marketing practices, a second label that states: "Meets CPSC _____ [insert 1993 or later date of applicable standard] garage door operator entrapment protection requirements," along with the month or week and year of manufacture must appear on the container or, if the container is not visible, on the promotional material used with the sale of the operator.

§ 1211.15 Product certification and labeling by importers.

(a) *General.* The importer of any automatic residential garage door operator subject to the standard in subpart A of this part must issue the certificate of compliance required by section 14(a) of the CPSA and § 1211.14 of this subpart. If testing of each operator, or a reasonable testing program, meeting the requirements of this subpart has been performed by or for the foreign manufacturer of the product, the importer may rely in good faith on such tests to support the certificate of compliance provided the importer is a resident of the United States or has a resident agent in the United States and the records of such tests required by § 1211.21 of subpart C of this part are maintained in the United States.

(b) *Responsibility of importer.* If the importer relies on tests by the foreign manufacturer to support the certificate of compliance, the importer bears the responsibility for examining the records supplied by the manufacturer to determine that the records of such tests appears to comply with § 1211.21 of subpart C of this part.

Subpart C—Recordkeeping

§ 1211.20 Effective date

The recordkeeping requirements in this subpart shall become effective on January 1, 1993 and shall apply to automatic residential garage door operators manufactured on or after that date.

§ 1211.21 Recordkeeping requirements.

(a) *General.* Every person issuing certificates of compliances for automatic residential garage door operators subject to the standard set forth in subpart A of this part shall maintain written records which show that the certificates are based on a test of each operator or on a reasonable testing program. The records shall be maintained for a period of at least three years from the date of certification of each operator or the last operator in each production lot. These records shall be available to any designated officer or employee of the Commission upon request in accordance with section 16(b) of the CPSA, 15 U.S.C. 2065(b).

(b) *Content of records.* Records shall identify the operators tested and the production lot and describe the tests the operators were subjected to in sufficient detail so the tests may be replicated. Records shall also provide the results of the tests including the precise nature of any failures, and specific actions taken to address any failures.

(c) *Format for records.* The records require to be maintained by this section may be in any appropriate form or format that clearly provides the required information.

Dated: March 11, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92-6188 Filed 3-17-92; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary (Domestic Finance)

17 CFR Chapter IV

Federal Regulatory Review

AGENCY: Office of the Assistant Secretary (Domestic Finance), Department of the Treasury.

ACTION: Federal regulation review, request for comments.

SUMMARY: This notice is being published in response to the President's announcement of a Federal regulatory review. To assist in the review, the Department of the Treasury (Department) requests the public to provide comments on whether the regulations promulgated pursuant to the Government Securities Act of 1986 (GSA Regulations) substantially impede economic growth or impose unnecessary costs or burdens.

DATES: Earlier comments are invited, but all comments must be received no later than close of business Friday, April 3, 1992.

ADDRESSES: Comments should be sent to Government Securities Regulations Staff, Bureau of the Public Debt, room 515, 999 E Street NW., Washington, D.C. 20239-0001.

FOR FURTHER INFORMATION CONTACT: Don Hammond, Acting Director, Government Securities Regulations Staff, Bureau of the Public Debt, (202) 219-3632.

SUPPLEMENTARY INFORMATION: On January 28, 1992, as part of his State of the Union Address, President Bush announced a 90-day moratorium and review of regulations. As part of the review process, the President asked agencies to work with the public, other interested agencies, the Office of Information and Regulatory Affairs in the Office of Management and Budget, and the Council on Competitiveness, to identify regulations and programs that impose a substantial cost on the economy and to determine whether regulations and programs adhere to the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command and control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

As part of its regulatory review, the Department is requesting public comment as to whether the GSA Regulations (17 CFR chapter IV) impose substantial burdens on the economy. The Department requests that commenters consider the standards listed above and identify, by citation to specific provisions of the Code of Federal Regulations, 17 CFR parts 400 through 450, items that might be improved in light of the standards listed above. Such comments should include not only existing regulatory provisions that are considered burdensome, but also specific provisions that could be added to improve regulation.

Dated: March 13, 1992.

Jerome H. Powell,

Assistant Secretary (Domestic Finance).

[FR Doc. 92-6365 Filed 3-16-92; 12:22 pm]

BILLING CODE 4810-40-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Proposed Amendments to Administrative Manual, Rules of Practice and Procedure; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Rules of Practice and Procedure relating to water quality standards and policies to protect existing water quality in certain waters of the Basin.

In addition, the Commission is proposing related revisions to its Comprehensive Plan, Water Code of the Delaware River Basin and Administrative Manual—Part III Water Quality Regulations. Supplementary background information and a summary of the proposed amendments to the Comprehensive Plan, Water Code and Water Quality Regulations are published elsewhere in the Notices section of this issue of the **Federal Register**. Those proposed revisions set forth an overall framework for providing special water quality protection measures for interstate and contiguous waters deemed by the Commission to have exceptionally high scenic, recreational, ecological or water supply values. The proposal then classifies certain stream reaches as Special Protection Waters.

The proposed amendments to the Rules of Practice and Procedure revise certain point source pollution control policies and requirements. They would reduce the threshold for point source discharges deemed not to have a substantial effect on the water resources of the Basin and not required to be submitted to the Commission under Section 3.8 of the Compact from a daily average rate of 50,000 gallons to 10,000 gallons in the drainage area to Outstanding Basin Waters and Significant Resources Waters.

DATES: The public hearings are scheduled as follows: May 5, 1992, and May 6, 1992 from 2 p.m. to 5 p.m., resuming at 7 p.m.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The May 5, 1992 hearing will be held in the Ballroom of the Inn at Hunt's Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

The May 6, 1992 hearing will be held in the Tusten Theater on Bridge Street (Route 52) in Narrowsburg, New York.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628, Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: Copies of the full text of the proposed amendments and the Administrative Manual—Rules of Practice and Procedure may be obtained by contacting Susan M. Weisman, at the address provided in **FOR FURTHER INFORMATION CONTACT.** Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact, 75 Stat. 688.

Dated: March 11, 1992.

Susan M. Weisman,

Secretary.

[FR Doc. 92-6249 Filed 3-17-92; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

[CGD 91-034/90-068]

RIN 2115-AE81 and 66

Vessel Response Plans and Carriage and Inspection of Discharge-Removal Equipment

AGENCY: Coast Guard, DOT.

ACTION: Notice of additional meetings of the Oil Spill Response Plan Negotiated Rulemaking Committee.

SUMMARY: The Coast Guard is announcing additional meetings of the Oil Spill Response Plan Negotiated Rulemaking Committee. The committee has decided to meet again on March 26, 1992 and, if necessary, continue on March 27th.

DATES: The meetings will take place on March 26, 1992, from 8:30 a.m. to 5 p.m., and continue on March 27, 1992, if necessary.

ADDRESS: The meetings will be held in room 4200 at DOT Headquarters, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Glen Wiltshire, OPA 90 Staff (G-MS-1), at (202) 267-6739 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. APP. 2), the Coast Guard is announcing that the Oil Spill Response Plan Negotiating Committee will meet on March 26, 1992 and, if necessary, continue on March 27th. The meetings are an addition to the schedule of meetings previously published in the **Federal Register** (57 FR 1890, 57 FR 6792). At their meeting on March 12, the committee decided on the additional meeting(s) in order to complete its report and transmit it to the Coast Guard. The meeting(s) will be open to the public, subject to space availability. Additional information on the purpose and information of the Oil Spill Response Plan Negotiating Committee was published in the **Federal Register** on January 10, 1992 (57 FR 1139).

Dated: March 13, 1992.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-6303 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Mailability of Sharps and Other Medical Devices

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Even though the risk appears low, the potentially serious consequences of infection acquired from mailed medical sharps and other devices requires that the Postal Service take every reasonable precaution to prevent customer and employee exposure to the hazard. It is expected that requiring sharps to be sent as First-Class or Priority Mail in containers that must be able to pass the tests in 49 CFR 178.604, 178.608, and 178.609 will reduce or eliminate potential employee exposure to leaking or broken medical sharps containers. By requiring these parcels to be mailed at the First-Class or Priority Mail rates, there will be a reduction in mechanized handling, which will limit the likelihood of breakage or leakage.

DATES: Comments must be received on or before May 4, 1992.

ADDRESSES: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, Marketing and Customer Service Group, room 8430, 475 L'Enfant Plaza West SW., Washington DC 20260-5903. Copies of all written comments will be available for inspection and photo copying between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Earl B. Hohbein, (202) 268-5309.

SUPPLEMENTARY INFORMATION: After a review of the comments received regarding its notice titled "Mailability of Sharps and Unsterilized Containers and Devices, dated August 1, 1991 (56 FR 36750), further investigation of packaging methods, and consultation with government agencies and other organizations, the Postal Service has decided to publish a revision of its proposed rule on this topic. Consequently, the Postal Service is proposing to amend its regulations to require that used sharps and other medical devices be sent as First-Class or Priority Mail. The Postal Service is also proposing that, effective 90 days after publication of a final rule, used sharps must be packaged in a primary container that is securely sealed, leak resistant, and puncture resistant. The primary container must be packaged in a watertight secondary containment system. The secondary containment system may consist of more than one component. If, however, one of those components is a plastic bag, it must be, at a minimum, 3.0 mils in thickness. Each primary container and secondary containment system (or sets of primary containers in a secondary containment system) must be enclosed in a shipping container constructed of 275-pound grade corrugated fiberboard or material of equivalent strength. Enough absorbent material must be enclosed within a watertight barrier to absorb three times the total liquid allowed in the package. The total volume of liquid in the primary container and secondary containment system (or set of primary containers in a secondary containment system) may not exceed 50 ml., and there will be a 35-pound weight limit for each mailed parcel. To ensure compliance with these standards, all distributors and manufacturers of sharps containers will be required to obtain an authorization from the U.S. Postal Service for their products to be transported in the mails. All packaging must by "type-tested" and certified by an independent company or organization before application is made for a U.S. Postal Service mailing authorization. Packaging will be required to pass the vibration standard in 49 CFR 178.608, the leakproof test in 49 CFR 178.604, as well as the tests for packages containing infectious substances in 49 CFR 178.609.

Other used medical devices which do not have or contain a projecting sharp must be packaged in a securely sealed, leak resistant primary container. The primary container must be enclosed in a shipping container that is constructed of 275-pound grade corrugated fiberboard or similar material of equivalent strength. The total volume of liquid in the primary and shipping container must not exceed 50 ml., unless the devices are mailed in a formalin solution or its equivalent. There must be sufficient absorbent material between the primary and shipping container to absorb three times the total liquid allowed within the primary container, except when the device is being shipped in a formalin solution.

Although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 553(b) and (c)) regarding proposed rule making by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of part 124 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Section 124.382 is amended by adding sections 124.382e and 124.382f. Section 124.384 is revised by replacing old subsections 124.384a and b with new subsections 124.384a and b and adding new subsections 124.384c through j. Section 124.385 is replaced with new section 124.385a through e. Old section 124.385 is renumbered to 124.386 and section 124.386 is renumbered to section 124.387. The proposed text is as follows:

124 NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

* * * * *

.38 Etiologic Agent Preparation, Clinical Specimens, Sharps, Medical Devices and Biological Products

* * * * *

.382

* * * * *

e. *Sharps* means items having a projecting cutting edge or fine point that have been used in animal or human patient care or treatment or in medical research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needles), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of the presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides or cover slips.

f. *Other medical devices* mean any devices used in animal or human patient care or treatment or in medical research which are not, or do not contain, a projecting sharp.

* * * * *

.384 Sharps

a. A mailed parcel containing the types of used materials defined in section 124.382e is nonmailable unless it bears the "Infectious Substance" label required by 49 CFR 172.432, and is sent by First-Class Mail or Priority Mail.

b. Used sharps must be packaged in a securely sealed, leak resistant, and puncture resistant primary container, the total liquid volume of which can not exceed 50 ml. The primary container must maintain its integrity when exposed to temperatures between 0 degrees and 120 degrees Fahrenheit.

c. The primary container must be packaged within a water-tight secondary containment system. The secondary containment system may consist of more than one component; however, if one of the components is a plastic bag, it must be, at a minimum, 3.0 mils in thickness, and must be reinforced with a fiberboard sleeve. A plastic bag will not by itself satisfy the requirement for a secondary containment system. Several primary containers may be enclosed within a secondary containment system to prevent breakage during ordinary processing.

d. The secondary containment system must be enclosed within an outer shipping container constructed of 275-pound grade corrugated fiberboard or similar material of equivalent strength. The secondary containment system must fit securely within the shipping container to prevent breakage during ordinary processing.

e. There must be sufficient absorbent material within a watertight barrier to absorb and retain three times the total liquid allowed within the primary container (150 ml per primary container) in case of leakage.

f. Each parcel must not weigh more than thirty-five pounds.

g. Each package prepared for mailing must be designed and constructed so that, if subjected to the environmental and test conditions prescribed in 49 CFR 178.604, (Leadproof test), 178.606 (Stacking test), 178.608 (Vibration standard), 178.609 (Test requirements for packaging for infectious substances (etiologic agents)) in addition to a bursting test for the shipping container and an absorbency test for the absorbent material commensurate with the requirements in subsection e, there will be no release of the contents to the environment, and no significant reduction to the effectiveness of the packaging.

h. All mailed packages containing used sharps must be accompanied by a four-part manifest or mail disposal service shipping record. The manifest must be placed in an envelope which is affixed to the outside of the shipping container, and must comply with any any applicable requirements imposed by the laws of the State from which the package is mailed.

At a minimum, the following information must appear on the manifest:

1. GENERATOR (MAILER)
   a. Name.
   b. Complete address (NOT A P.O. BOX)
   c. Telephone number.
   d. Description of contents of shipping container.
   e. Date the shipping container was mailed, and
   f. State permit number of the approved facility in which the contents will be disposed.
2. DESTINATION FACILITY (DISPOSAL SITE)
   Complete Address (NOT A P.O. Box)
3. GENERATOR'S (MAILER'S) CERTIFICATION

"I certify that this carton has been approved for the mailing of used medical sharps, has been prepared for mailing in accordance with the directions for that purpose, and does not contain excess liquid or nonmailable material in violation of the applicable postal regulations. I am aware that FULL RESPONSIBILITY RESTS WITH THE GENERATOR (MAILER) FOR ANY VIOLATION OF 18 U.S.C. 1716 WHICH MAY RESULT FROM PLACING IMPROPERLY PACKAGED ITEMS IN THE MAIL.

This printed statement is to be followed by the printed name of the generator (mailer), the signature of the generator, and the date the manifest was signed.

4. DESTINATION FACILITY (STORAGE OR DISPOSAL SITE)
   a. Printed Certification of receipt, treatment, and disposal—"I certify that the contents of this package have been received, treated, and disposed of in accordance with all local, state, and Federal regulations."
   b. Printed or typed name of an authorized recipient at the destination facility.
   c. Signature of the authorized recipient at the destination facility.
   d. Date destination facility's representative signed manifest.
5. TRANSPORTER OR INTERMEDIATE HANDLER OTHER THAN THE U.S. POSTAL SERVICE (IF DIFFERENT FROM THE DESTINATION FACILITY).
   a. Name.
   b. Complete address (NOT A P.O. BOX)
   c. Printed name of transporter or intermediate handler.
   d. Signature of transporter or intermediate handler.
6. The manifest or mail disposal service shipping forms must be serialized.
7. The form must contain an area reserved specifically for discrepancies and comments, especially if an alternate destination facility is used.
8. Instructions for completing form and distribution of copies.
   a. One copy must be retained by the generator (mailer).
   b. One copy must be retained by the transporter or intermediate handler.
   c. One copy must be retained by the destination facility.
   d. One copy must be mailed to the generator by the destination facility.
9. The form must bear the following statement with appropriate information:

"IN CASE OF EMERGENCY, OR THE DISCOVERY OF DAMAGE OR LEAKAGE, CALL 1-800-XXX-XXXX"

i. U.S. Postal Service Authorization to Mail Sharps. Each distributor or manufacturer of mailing kits or packaging assemblies, including containers, cartons, and any other related material to be used to mail sharps to a storage or disposal facility, must obtain an authorization from the United States Postal Service. Before applying for this authorization, each such type of the mailing kit must be tested and certified against the standards in section 125.384g by an independent company or organization. This authorization may be obtained by applying in writing to the Office of Classification and Rates Administration, Business Requirements Division, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-5906. The letter of application must contain the following information: The address of the headquarters or general business office of the distributor or manufacturer; the addresses of all disposal and storage sites; a list of all types of mailing kits to be covered with proof of package testing certifications by the independent testing facility that subjected the materials to the testing requirements prescribed above; a copy of the proposed manifest to be used with all mailings; 24-hour telephone numbers for emergencies; and a list of the types of sharps that will be mailed for disposal.

j. Each package must be mailed using merchandise return service (section 919) and each authorized manufacturer (or distributor) must provide to the Office of Classification and Rates Administration a surety bond of $50,000 or a letter of credit as proof of sufficient financial responsibility to cover disposal costs if the manufacturer (or distributor) ceases doing business before all its shipping containers are disposed of, or to cover clean-up costs if spills occur while the containers are in the possession of the Postal Service. Each primary and shipping container must bear a label, which cannot be detached intact, bearing (1) the company name of the manufacturer or the distributor, (2) the USPS authorization number, (3) the container ID number (or unique model number) signifying that the packaging material has been certified and the manufacturer or distributor has obtained an authorization required by subsection i.

.385 Other Medical Devices

a. Other medical devices, as defined in section 124.382f, must be mailed as First-Class or Priority Mail.

b. Other medical devices must be packaged in a securely sealed, leak resistant primary container, the total liquid volume of which must not exceed 50 ml., unless the devices are being shipped in formalin or its equivalent. The primary container must maintain its integrity when exposed to temperatures between 0 degrees and 120 degrees Fahrenheit.

c. The primary container must be enclosed in an outer shipping container constructed of 275-pound grade corrugated fiberboard or similar material of equivalent strength. The primary container must fit securely within the shipping container to prevent breakage during ordinary processing.

d. There must be sufficient absorbent material between the shipping container and the primary container to absorb three times the total liquid allowed within the package unless the device is mailed in a formalin solution or its equivalent.

e. Each parcel containing other medical devices must bear a complete return address (not a post office box).

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-6165 Filed 3-17-92; 8:45 am]

BILLING CODE 7710-12-M

Notices

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Information Collection Request Under Review

AGENCY: Action

SUMMARY: Under the Paperwork Reduction Act (44 U.S.C., chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted three copies of the attached information collection proposal to OMB. OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements. ACTION is requesting an expedited review by OMB with final action by April 1, 1992, so that the approved forms may be issued in early April.

DATES: OMB and ACTION will consider comments received by two weeks from the date of publication. Comments are to be directed to both of the following addresses:

Janet Smith, ACTION Clearance Officer, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, Tel. (202) 634–9245.

Daniel Chenok, Desk Officer for Action, Office of Management and Budget, 3200 New Executive Office Bldg., Washington, DC 20503, Tel. (202) 395–7316.

SUPPLEMENTARY INFORMATION:

Office of ACTION Issuing Proposal: Equal Opportunity Staff.

Title of Form: Handicap Accessibility Self-Evaluation Certification.

Need and Use: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Section 417 of the Domestic Volunteer Service Act, Public Law 93–113, defines recipient of Federal financial assistance as any place a volunteer is assigned under one of ACTION'S programs. Regulations implementing section 504 (45 CFR 123.7 (c)) require that recipients of Federal financial assistance determine if physical barriers in facilities or programmatic barriers cause discrimination against individuals with disabilities by preventing or interfering with their participation in programs conducted by the particular recipient. The certification form is designed to ensure that ACTION only provides Federal financial assistance to recipients who have conducted the required self-evaluation.

Type of Request: Existing collection in use without an OMB control number.

Frequency of Collection: Non-recurring.

General Description of Respondents: ACTION sponsors and stations.

Estimated Number of Responses: 54,000.

Estimated Annual Reporting or Disclosure Burden: 108,000 hours.

Dated: March 12, 1992.

Jane A. Kenny,

Director, ACTION.

HANDICAP ACCESSIBILITY SELF-EVALUATION CERTIFICATION

Organization Name: _____
Address: _____
Telephone Number (with area code): _____

I certify that a handicap accessibility self-evaluation has been:_____ completed on (date)_____._____partially completed and will be done on (date)_____.

The result of the self-evaluation(s) is as follows:

_____ The recipient's program, when viewed in its entirety, is accessible and no corrective actions are required.

_____ The recipient's program, when viewed in its entirety, is accessible, but some corrective actions will be made.

_____ The recipient's program, when viewed in its entirety, is not accessible. FOR SPONSOR ONLY: Corrective actions will be made by (date)_____.

I understand that, if the organization has 15 or more employees, information on how the self-evaluation was conducted is to be made available for public inspection for 3 years after its completion. I also understand that this information will be available to ACTION officials upon request.

Date

Signature _____

Name/Title of Responsible Official

Each OAVP station and VISTA site must submit this certification form to its OAVP sponsor or VISTA project. Each OAVP sponsor and VISTA project must submit this one form to its ACTION State Office.

[FR Doc. 92–6235 Filed 3–17–92; 8:45 am]
BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 13, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

- *Forest Service*

Sale and Disposal of National Forest System Timber: Log Export and Substitution Exemption Restrictions.

One time submission.

State or local governments; Businesses or other for-profit; Federal

agencies or employees; Small businesses or organizations; 35 responses; 98 hours.
Fred Walk (202) 475–3758.

Extension

- *Federal Crop Insurance Corporation*
High-Risk Land Exclusion Option.
FCI–19–C.
On occasion.
Individuals or households; Farms; 58,480 responses; 58,480 hours.
Bonnie L. Hart (202) 254–8393.
- *Federal Crop Insurance Corporation*
Application for Assignment of Indemnity—Transfer of Right to An Indemnity—Claim for Cotton Indemnity.
FCI–20, FCI–21, and FCI–74–B.
On occasion.
Individuals or households; Farms; 60,000 responses; 30,000 hours.
Bonnie L. Hart (202) 254–8393.

New Collection

- *Food and Nutrition Service*
WIC Program Annual Closeout Report.
FNS–1174.
Annually.
State or local Governments; 86 responses; 447 hours.
Chris Lipsey (703) 305–2048.
- *Forest Service*
Request for Nomination of Potentially Significant Caves—36 CFR 290.

On occasion.
Individuals or households; State or local governments; Federal agencies or employees; Non-profit institution; 1500 responses; 45 hours.
Robert Cron (202) 205–1408.
- *Forest Service*
Request for Access to Confidential Cave Data—36 CFR 290.
On occasion.
Individuals or households; State or local governments; Federal agencies or employees; Non-profit institution; 150 responses 75 hours.
Robert Cron (202) 205–1408.

Reinstatement

- *Agriculture Stabilization and Conservation Servic*
7 CFR 1423-Processed Commodities Warehouse Standards.
CCC–560, 513, 55, 33, 33A, 34, 34–1, 29–1, 29–2, 29–3, 29, 56, 56–1, 56–2, 32, 32–1, and 32–2.
On occasion; Annually.
Businesses or other for-profit; 2,585 responses; 7,488 hours.
Barry Klein (202) 720–4647.
- *Food Safety and Inspection Service*

Hazard Analysis and Critical Control Point (HACCP) Workshop— Solicitation of participants.
FSIS–1300–1, and 1300–2.
On occasion.
Businesses or other for-profit; Small businesses or organizations; 240 responses; 67 hours.
Roy Purdie, Jr. (202) 720–5372.

Donald E. Hulcher,
Deputy Departmental Clearance Officer.
[FR Doc. 92–6276 Filed 3–17–92; 8:45 am]
BILLING CODE 3410–01–M

Office of the Secretary

[Docket No. 92–020]

Declaration of Emergency Because of Asian Gypsy Moth

A new exotic pest, the Asian gypsy moth, has been introduced into the Northwestern United States. Infestations have been found in Oregon and Washington, as well as in the neighboring Canadian province of British Columbia.

The Asian gypsy moth infestations in Oregon and Washington represent the first U.S. introductions of this exotic pest capable of devastating forests, woodlands, and residential landscapes. This Asian strain has different behavioral characteristics than the European gypsy moth which has been devastating northeastern forests in the United States. Females can fly long distances, and larvae feed on certain conifers as well as hardwoods. The ability of the female to fly complicates management strategies. It is necessary to detect and eradicate new infestations at the earliest possible stage, before they begin to spread widely.

The economic impact of Asian gypsy moth establishment in the United States would be devastating, severely disrupting the multibillion dollar timber and forest products industry. Parks, woodlands, and residential landscapes would be threatened. Pesticide usage and annual control costs would increase.

Foreign countries would embargo products from infested areas. U.S. exporters of agricultural commodities would lose markets worth millions of dollars, diminishing the international competitiveness of the United States.

State departments of agriculture in Washington, Oregon, Idaho, and California, in cooperation with the Animal and Plant Health Inspection Service (APHIS) and the Forest Service (FS), have established a Northwestern Asian Gypsy Moth Project Team. This team has developed a coordinated, cooperative survey and eradication plan. Implementation of this plan will cost approximately $20 million during Fiscal Year 1992.

For this Asian gypsy moth survey and eradication project to succeed, State cooperators need an immediate pledge of financial support. APHIS will share the costs of survey and eradication activities on State and private lands on a fifty-fifty basis with the States of Oregon and Washington and the FS.

Identification of suspect specimens has been completed. Ten trapped adult specimens in Washington and Oregon were confirmed as Asian gypsy moths.

APHIS, the lead Federal agency in the Asian gypsy moth project, has insufficient funds to meet the needs of the proposed program. Once funded, however, APHIS can proceed with the detection and eradication program that will eliminate the Asian gypsy moth infestations now in the United States. The cooperative Asian gypsy moth program will detect and identify Asian gypsy moth-infested areas, control and prevent the spread of Asian gypsy moths to noninfested areas of the United States, and eradicate Asian gypsy moths in the infested areas.

Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens the timber, forest products, and nursery industries of this country, and I authorize the transfer and use of such sums as I may deem necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to detect and identify Asian gypsy moth-infested areas, to control and prevent the spread of Asian gypsy moths to noninfested areas in the United States, and to eradicate Asian gypsy moths wherever they may be found in the continental United States.

All necessary Congressional notification will occur immediately.

Effective Date: This declaration of emergency shall become effective March 12, 1992.

Ann W. Veneman,
Acting Secretary of Agriculture.
[FR Doc. 92–6277 Filed 3–17–92; 8:45 am]
BILLING CODE 3410–34–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration.

Title: Gears and Gearing Products Industry.

Form Number(s): Ref.#77.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 2,440 hours.

Number of Respondents: 301.

Avg Hours Per Response: 4-10 hours.

Needs and Uses: Information will be collected from 206 producers and 95 importers as part of Commerce's Section 232 gear industry investigation. This investigation includes examination of the effect of imports on all phases of U.S. production capacity necessary to meet national security requirements.

Affected Public: Businesses or other for-profit institutions; and small businesses or organizations.

Frequency: One time.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Gary Waxman, (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 12, 1991.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92-6246 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-0709F

Bureau of Export Administration

Action Affecting Export Privileges; Richard Clark Johnson; Order Denying Permission To Apply for or Use Export Licenses

In the matter of: Richard Clark Johnson, 1073 Oak Street, Harwich, Massachusetts 02646 and FCI Raybrook, Post Office Box 903, Raybrook, New York 12977.

On August 20, 1990, Richard Clark Johnson was convicted in the United States District Court for the District of Massachusetts of violating section 38 of the Arms Export Control Act (currently codified at 22 U.S.C.A 2778 (1991)) (AECA).

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401-2420 (1991)) (EAA),[1] provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of a violation of section 38 of the AECA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person had any interest at the time of his conviction may be revoked.

Pursuant to §§ 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating Section 38 of the AECA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of Johnson's conviction for violating Section 38 of the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Johnson permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on August 20, 2000. I have also decided to revoke all export licenses issued pursuant to the EAA in which Johnson had an interest at the time of his conviction.

Accordingly, it is hereby Ordered.

I. All outstanding individual validated licenses in which Johnson appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Johnson's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Until August 20, 2000, Richard Clark Johnson, 1073 Oak Street, Harwich, Massachusetts 02646, now incarcerated at FCI Raybrook, Post Office Box 903, Raybrook, New York 12977, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to Johnson by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701-1706 (1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until August 20, 2000.

VI. A copy of this Order shall be delivered to Johnson. This Order shall be published in the **Federal Register**.

Dated: March 10, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92-6253 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held April 8, 1992, 9:30 a.m., in the Herbert C. Hoover Building, room 1617M, 14th and Pennsylvania Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Approval of minutes.
3. Presentation of papers or comments by the public.
4. Report on status of U.S. implementation of Core List.
5. Discussion and recommendations for changes to Category 5 (Telecommunications & Information Security) for submission to COCOM in fall of 1992.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 13, 1992.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit.

[FR Doc. 92-6296 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 8-90]

Order No. 565; Approval for Certain Processing Activity (Reprocessing Rubber) Foreign-Trade Zone 122, Corpus Christi, TX

Pursuant to its authority under the Foreign-Trade Zones (FTZ) Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following order:

After consideration of the request submitted by the Port of Corpus Christi Authority, Grantee of FTZ #122 (filed 02/14/90), on behalf of Housmex, Inc., for authority to use zone procedures to reprocess rubber within FTZ 122, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval were given subject to a restriction requiring that privileged-foreign status (19 CFR 146.65) be elected on all foreign merchandise that is subject to Column 2 duty rates (non-MFN merchandise) at the time of admission to the zone, approves the request subject to the foregoing restriction.

The Secretary of Commerce, as Chairman and Executive Officers of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

This authority is granted subject to the FTZ Act and the Board's regulations (as revised, 56 FR 50790-50808, 10/8/91), including § 400.28, and to all other conditions contained in Board Order 310 (50 FR 38020, 9/19/85), which authorized establishment of Foreign-Trade Zone 122, and in subsequent Board Orders issued in regard to the general-purpose zone.

Signed at Washington, DC, this 11th day of March, 1992.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Du Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-6287 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-428-037]

Drycleaning Machinery From Germany; Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On December 23, 1991, the Department of Commerce initiated an administrative review of the antidumping finding on drycleaning machinery from Germany. The Department is now terminating this review.

BACKGROUND: On December 23, 1991 (56 FR 66429) the Department of Commerce published a notice of initiation of administrative review of the antidumping finding on drycleaning machinery from Germany. This notice stated that we would conduct a review of Böwe-Passat Reinigungs-und Wäschereitechnik GmbH and its affiliated companies ("BPRW") for the period November 1, 1990 through October 31, 1991. BPRW withdrew its request for review on February 26, 1991. Since the withdrawal request was filed within 90 days of the date of publication of the notice of initation (*see* 19 CFR

353.22(a)(5)), and no other interested party has requested an administrative review for this period, the Department is now terminating this review.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Alan Letort or Richard Weible, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377–3793 or telefax (202) 377–1388.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1)), and section 353.22(a)(5) of Commerce regulations (19 CFR 353.22(a)(5)).

Dated: March 10, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92–6299 Filed 3–17–92; 8:45 am]

BILLING CODE 3510-DS-M

[A–570–815]

Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 18, 1992

FOR FURTHER INFORMATION CONTACT: Mary Jenkins or Brian Smith, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 377–1756 and 377–1766, respectively.

Preliminary Determination

The Department of Commerce ("the Department") preliminarily determines that sulfanilic acid from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b). The estimated margin is shown in the "Suspension of Liquidation" section of this notice. Also, the Department preliminarily makes a negative finding of critical circumstances (see, the "Critical Circumstances" section of this notice).

Case History

On October 23, 1991, we initiated this investigation. On October 28, 1991, we sent a letter to the PRC embassy requesting a list of all known exporters of the subject merchandise. On October 28, 1991, we sent a letter to the PRC embassy and petitioner requesting that they address the issues of: (1) Whether we should continue to treat the PRC as a nonmarket economy country, or (2) whether available information would permit the Department to determine foreign market under section 773(a) of the Act. Since publication of the notice of initiation on October 29, 1991 (56 FR 55659), the following events have occurred. On October 29, 1991, counsel filed a letter of appearance for respondent, China National Chemicals Import & Export Corporation, Hebei Branch ("Sinochem Hebei"), and its related U.S. branches. On November 12, 1991, counsel for respondent claimed that the prices of material inputs used in producing sulfanilic acid in the PRC are market-driven and that for purposes of this investigation, the PRC should be treated as a market economy country for valuing those inputs.

On November 18, 1991, the International Trade Commission (ITC) made a preliminary determination that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of such merchandise that are allegedly sold at less than fair value in the United States. On November 18, 1991, the PRC embassy informed us that it would not be providing us with information we requested for conducting our investigation.

On November 27, 1991, we sent questionnaires to counsel for respondent and to the Chinese Chamber of Commerce for serving on all other known exporters of the subject merchandise during the POI.

On December 9, 1991, counsel for respondent requested a 30 day extension for responding to the questionnaire. On December 10, 1991, we granted Sinochem Hebei a partial extension.

On December 17, 1991, another counsel for respondent filed a letter of appearance with the Department and on January 24, 1992, original counsel withdrew from representation of Sinochem Hebei.

On December 23, 1991, counsel for respondent submitted its response to section A.

On December 26, 1991, counsel for respondent requested that Sinochem Hebei, be exempted from submitting factors of production for one of the four factories that provide them with sulfanilic acid for exports. On December 30, 1991, we denied respondent's request.

On January 3, 1992, counsel for Sinochem Hebei requested a one-day extension for submitting section C and part of section D and a two-day extension for submitting the rest of Section D and the remaining attachments to the questionnaire. On January 3, 1992, we granted respondent's request.

On January 6, 1992, respondent submitted its response to Section C and part of Section D. On January 7, 1992, respondent informed the Department that another entity, Sinochem Shandong, exported the subject merchandise to the United States and requested that it be exempt from reporting sales information of Sinochem Shandong to the Department.

On January 8, 1992, respondent submitted its response to the rest of Section D and the attachments.

On January 14, 1992, the Department sent a deficiency letter to respondent. On January 14, 1992, respondent submitted, on behalf of its four factory suppliers, costs for the raw material factor inputs.

On January 17, 1992, we sent a letter to respondent stating that we were requiring responses inclusive of Sinochem Shandong and if they did not report Sinochem Shandong's sales information and the Department determined that all branches of Sinochem should be treated as one entity, the Department would base its determination for all of Sinochem's sales on the best information available.

On January 29, 1992, respondent submitted its response to our deficiency letter.

On February 14, 1992, the Department sent a supplemental deficiency letter to respondent. On February 24, 1992, respondent submitted import statistics and requested a two day extension for responding to the remaining sections of the deficiency letter. On February 25, 1992, we granted respondent's request. On February 27, 1992, respondent submitted the remainder of its response to our supplemental deficiency letter.

In letters to the Department, petitioner has argued that (1) there are additional manufacturers in the PRC of sulfanilic acid which is exported to the United States; (2) the Department should issue questionnaires to these additional manufacturers, and to the exporters of those products; (3) the Department must consider whether the exporter (respondent) identified in this investigation accounts for 60 percent of U.S. sales, pursuant to 19 CFR 353.42(b); (4) the Department should issue respondent a country-wide rate, and (5) the Department should use surrogate

values for determining foreign market value and naot the PRC input prices submitted by respondent. (See *Foreign Market Value* Section).

Period of Investigation

The period of investigation ("POI") is May 1, 1991, through October 31, 1991.

PRC Exporters

In its December 30, 1991, submission, petitioner has argued that other PRC trading companies such as Quandong Chemicals and Shanghai Chemical exported the subject merchandise to the United States during the POI. Petitioner also maintains that respondent (Sinochem Hebei) does not account for over 60 percent of U.S. sales during the POI and that the Department should examine all exporters of the subject merchandise during the POI.

We issued a questionnaire to the Chinese Chamber of Commerce for Exporters & Importers of Metal & Mineral Products and Chemical Products to be transmitted to all branches of Sinochem except the Hebei Branch and to all other exporters of the subject merchandise.

We received a response from only Sinochem Hebei, which reported all its sales and shipments during the POI. Based on this and other information, the Department has determined that the total volume of Sinochem Hebei's sales and shipments during the POI accounted for more than 60 percent of the subject merchandise sold and shipped to the United States during the POI.

Separate Rates

In its November 12, 1991, submission, section C response, and in subsequent filings with the Department, respondent has argued that a separate, company-specific rate should be calculated in this investigation. Respondent states that the only relationship between it and the other trading companies of Sinochem China is in the production of oil, a category one product which is under state control but not subject to this investigation. Therefore, respondent maintains that it is an independent entity regarding the production and sale of sulfanilic acid, a category three product which is not under government control.

In order to determine whether a company-specific dumping margin should be calculated in this investigation, we asked respondent to provide information on company ownership and relationships, sources of inputs, manufacturing processes, distribution channels, involvement of trading companies, controls on external trade, profit retention, and other facets of their production and sale of sulfanilic acid. As stated in the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) ("Sparklers"), we will issue separate rates if a respondent can demonstrate both a *de jure* and *de facto* absence of central control. Evidence supporting, though not requiring, a finding of *de jure* absence of central control would include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; and (2) any legislative enactments devolving central control of export trading companies. Evidence supporting a finding of *de facto* absence of central control with respect to exports would include: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

When we apply these four criteria, the evidence in the record submitted by respondent supports a finding that Sinochem Hebei is entitled to its own rate. Furthermore, we have no information that establishes that floor prices are being set by either the Ministry of Foreign Relations and Trade ("MOFERT") or any other governmental entity. Therefore, for purposes of the preliminary determination, we have calculated a company-specific margin for Sinochem Hebei. However, our final decision on the separate rate issue will depend upon successful verification of the factual assertions made by respondent and relied upon here. (For our analysis of the information in the record, see Concurrence Memorandum dated February 25, 1992.)

Since Sinochem Hebei was the only part to respond to our questionnaire we have no evidence that any of the other known exporters are independent from each other, or the government. Unless a respondent demonstrates entitlement to a separate, company-specific rate pursuant to the test enunciated in Sparklers, we presume that that they are related and subject to a single rate. See, *e.g.*, Preliminary Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China, 56 FR 66831 (December 26, 1991). In determining what rate to use as BIA, the department follows a two-tiered methodology, whereby the Department may assign lower rates for those respondents who cooperated in an investigation and rates based on more adverse assumptions for those respondents who did not cooperate in an investigation (See, *e.g.*, Final Determination of Sales at Less Than Fair Value; Apheric Ophthalmoscopy Lenses from Japan, 57 FR 6703, 6704 (February 27, 1992).

According to the Department's two-tiered BIA methodology outlined in the Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof form the Federal Republic of Germany, Italy, Japan, Romania, Sweden, Thailand, and the United Kingdom, 54 FR 18992, 19033 (May 3, 1989), when a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's investigation, it is appropriate for the Department to assign to that company the higher of (1) the margin alleged in the petition, or (2) the highest calculated rate of any respondent in the investigation. Therefore, as best information available, the dumping margin assigned to all other exporters who did not cooperate in this investigation is the highest calculated rate of the respondent in this investigation.

Scope of the Investigation

The products covered by this investigation are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid (sodium sulfanilate).

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble material present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid, classified under the subheading 2921.42.24 of the Harmonized Tariff Schedule (HTS), contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid, classified under the HTS subheading 2921.42.20.0, contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials. Sodium salt of sulfanilic acid, classified under the HTS subheading 2921.42.70, is a granular or crystalline material containing 75 percent minimum equivalent sulfanilic acid, 0.5 percent maximum aniline, and 0.25 percent maximum alkali insoluble materials

based on the equivalent sulfanilic acid content.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Fair Value Comparisons

To determine whether sales of sulfanilic acid from the PRC to the United States were made at less than fair value, we compared the United States price ("USP") to the foreign market value ("FMV"), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based United States price on purchase price where sales were made directly and indirectly to unrelated parties prior to the date of importation into the United States, in accordance with section 772(b) of the Act. We used purchase price as defined in section 772 of the Act, both because sulfanilic acid was sold to unrelated purchasers in the United States prior to importation into the United States, and because exporter's sales price ("ESP") methodology was not indicated by other circumstances.

We calculated purchase price based on packed, CIF port or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, U.S. duty, U.S. inland freight, U.S. brokerage, U.S. port charges, and U.S. containerization fees.

Foreign Market Value

Section 773 (c)(1) of the Act provides that the Department shall determine FMV using a factors of production methodology if (1) the merchandise is exported from a nonmarket economy country (NME), and (2) the information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a) of the Act.

In past cases *(e.g., Final Determination of Sales at Less than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China,* 56 FR 46153 (September 10, 1991) ("*Lug Nuts*") and *Sparklers,* and indeed in every case conducted by the Department involving the PRC, the PRC has been treated as an NME. In this case, neither party has suggested that the PRC is no longer an NME. However, the respondent claims that certain inputs in the production of sulfanilic acid are market-driven.

The Department has previously interpreted 773(c)(1)(B) of the Act to mean that foreign market value can be based on the NME exporter's prices or costs, despite the fact that the country may otherwise be considered an NME, if sufficient market forces are at work (see, Lug Nuts and Final Determination of Sales at Less Than Fair Value; Oscillating Fans and Ceiling Fans from the People's Republic of China, 56 FR 55271 (October 25, 1991).

However, as stated in our recent notices of initiation for two countervailing duty investigations (see, Initiation of Countervailing Duty Investigation: Oscillating Fans and Ceiling Fans from the People's Republic of China, 56 FR 57616 (November 13, 1991) and Initiation of Countervailing Duty Investigation: Chrome-Plated Lug Nuts and Wheel Locks from the People's Republic of China, 57 FR 877 (January 9, 1992)), the Department determined that it must reconsider the appropriateness of the specific approach established in Lug Nuts and Fans.

As a result of this reconsideration, we have now developed the following criteria for determing whether a market-oriented industry exists in an economy which will otherwise be considered nonmarket:

- For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the nonmarket economy country would be an almost insuperable barrier to finding a market-oriented industry.
- The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry but substantial state ownership would weigh heavily against finding a market-oriented industry.

Market-determined prices must be paid for all significant inputs, whether material or non-material, and for an all but insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

If these conditions are not met, the producers of the merchandise under investigation will be treated as nonmarket economy producers, and the foreign market value will be calculated by using prices and costs from a surrogate country, in accordance with section 773(c) (3) & (4) of the Act.

Respondent maintains that the prices at which the factories purchase some of their inputs for sulfanilic acid are not subject to state-control and are market-driven. Therefore, respondent argues the Department should use these PRC input prices for valuing the factors of production. Respondent submitted costs for aniline, sulfuric acid, activated carbon, coal, and plastic bags, but not for electricity and labor.

Petitioner maintains that the sulfanilic acid industry is state-controlled and is not market-oriented. Petitioner argues that market forces are not at play in establishing any input prices for producing sulfanilic acid in the PRC.

As noted above, we continue to find that the PRC is an NME. Therefore, the presumption remains that the inputs used by the sulfanilic acid producers which are sourced in the PRC are not purchased at market prices. A respondent asserting that it purchases inputs at market-oriented prices must provide significant documentary evidence and also show that market prices are at work to overcome this presumption. An absence of government control alone is not sufficient to warrant a conclusion that prices for inputs are market-driven. We must also conclude by application of the criteria outlined above that market forces are at work in determining the prices in general within the PRC. Therefore, respondent's assertion, without sufficient documentary support, is not enough to establish market behavior with respect to input prices.

We have determined that for purposes of this preliminary determination, we do not have any information from the PRC government which could assist us in determining whether or not there is a lack of state-control or a presence of market forces with respect to the four factories' input costs and their respective supplier prices. We have requested information from the PRC government to determine whether there is any government control in the chemical sector, sulfanilic acid industry, or in inputs used to produce sulfanilic acid. The information submitted by the PRC government and respondent will be subject to verification, and will be taken into account in making our final decision on the PRC input prices issues.

Therefore, in accordance with section 773(c) of the Act, the Department is required to determine FMV on the basis of factors of production utilized in producing the subject merchandise, as valued in a surrogate country.

Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the factors of production, to the extent possible, in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country, and that are significant producers of comparable merchandise. The Department has determined that India and Pakistan are the most comparable to the PRC in terms of overall economic development, based on per capita gross national product (GNP), the national distribution of labor, and growth rate in per capita GNP. Because India fulfills both requirements outlined in the statute, India is the preferred surrogate country for purposes of calculating the factors of production used in producing the subject merchandise. Further, because Pakistan is not a producer of sulfanilic acid, we have only resorted to Pakistan for surrogate values if Indian values were not obtainable. We have used the values for the factors of production, as appropriate, from both countries. Date for valuing the factors of production was obtained from the U.S. Embassy in India and the U.S. consulate in Pakistan.

We calculated FMV based on factors of production reported by the factories which produced the subject merchandise for the respondent Sinochem Hebei. The factors used to produce sulfanilic acid include materials, labor, and energy. According to respondent, water usage cannot be valued as a factor of production because there is no cost for water incurred by the factories. Subject to verification, we have accepted respondent's argument.

To value aniline, one of six main inputs for producing sulfanilic acid, we used an imported price quote provided by the U.S. Embassy in India. We used the imported price rather than the domestic price of aniline because imported aniline is used by Indian producers in manufacturing sulfanilic acid for exportation. For sulfuric acid and activated carbon, we have used POI price quotes provided by the U.S. consulate in Pakistan because the U.S. Embassy in India could not obtain values for these inputs. We used unskilled and skilled labor rates, including benefits, obtained from the U.S. embassy in India. For coal, we used a POI price quote provided by the U.S. consulate in Pakistan because the U.S. embassy in India could not obtain surrogate values. For electricity, we used an electricity rate provided by the U.S. embassy in India. For purposes of the preliminary determination, we have considered the prices supplied by the U.S. Embassy in India and U.S. consulate in Pakistan as prices during the POI. However, since the Indian prices were obtained in January 1992, and the Pakistani prices were obtained in December 1991, we will confirm the effective dates of these prices prior to our final determination.

To calculate FMV, the reported factors of production were multiplied by the appropriate Indian and Pakistani values for the various components. We added an amount for the delivery of inputs to the factory to arrive at a delivered cost of materials. We used freight rates obtained from the U.S. Embassy in India. We have also used a percentage for factory overhead, based on Indian producers' experience, obtained from the U.S. Embassy in India. We then added an amount higher than the statutory ten percent minimum for selling, general and administrative expenses, and an amount higher than the statutory eight percent minimum for profit, based on Indian producers'experience, obtained from the U.S. embassy in India. We also added an amount for packing labor based on Indian wage rates, and an amount for packing materials based on Indian prices to arrive at a constructed FMV for one metric ton of sulfanilic acid.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of sulfanilic acid from the PRC. Section 733(e)(1) of the Act provides that critical circumstances exist when we determine that there is a reasonable basis to believe or suspect that:

(A)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or (ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of investigation at less than its fair value, and (B) There have been massive imports of the merchandise which is the subject of the investigation over a relatively short period.

Pursuant to section 733(e)(1)(b) of the Act, we generally consider the following factors in determining whether imports have been massive over a short period of time: (1) The volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by imports. See, *e.g.*, Final Determination of Sales at Less Than Fair Value; Certain Internal-Combustion, Industrial Forklift Trucks from Japan, 53 FR 12552 (April 15, 1988). To determine whether imports have been massive, we normally compare the export volume for the base period, which is a period of not less than three months beginning with the month the petition was filed, with a previous period of the same length. Since the petition was filed on October 3, 1991, we compared shipments, for Sinochem Hebei, during the three-month period from the filing of the petition, October through December 1991, to shipments during the three month period prior to the month in which the petition was filed, July through September 1991.

Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports "massive." Based on this analysis, we find that imports of the subject merchandise from the PRC during the period subsequent to receipt of the petition have not been massive.

Since we do not find that there have been massive imports, pursuant to section 733(e)(1) of the Act, we do not need to consider whether there is a history of dumping or whether there is a reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value.

Therefore, we preliminarily determine that critical circumstances do not exist with respect to imports of sulfanilic acid from the PRC.

Currency Conversion

When calculating foreign market value, we made currency conversions in accordance with 19 CFR 353.60(a).

Verification

As provided in section 776(b) of the Act, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of sulfanilic acid from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the foreign market value of the subject merchandise exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percent
China National Chemicals Import & Export Corporation, Hebei Branch ("Sinochem Hebei")	85.29
All others	85.29

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments, must be submitted, in at least ten copies, to the Assistant Secretary for Import Administration no later than May 6, 1992, and rebuttal briefs no later than May 11, 1992. In addition, a public version and five copies should be submitted by the appropriate date if the submission contains business proprietary information. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held, if requested, at 10 a.m. on May 12, 1992, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington DC, 20230. Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099 within ten days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentation will be limited to arguments raised in the briefs.

This determination is published pursuant to section 773(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15.

Dated: March 11, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6302 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-802]

Ball Bearings and Parts Thereof From Thailand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on ball bearings and parts thereof from Thailand. We preliminarily determine the total bounty or grant to be 20.41 percent *ad valorem* for all companies for the period January 1, 1990 through December 31, 1990. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki, Sylvia Chadwick, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5260.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (56 FR 23271) of the countervailing duty order on ball bearings and parts thereof from Thailand (54 FR 19130; May 3, 1989). On May 31, 1991, Torrington Company, the petitioner, and Pelmec Thai and NMB Thai, the respondents, requested an administrative review of the order. We initiated the review, covering the period January 1, 1990 through December 31, 1990, on June 18, 1991 (56 FR 27944). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). This is the first administrative review since the publication of the order.

Scope of Review

Imports covered by this review are shipments of ball bearings and parts thereof. Such merchandise is described in detail in Appendix A to this notice. The Tariff Schedules of the United States Annotated (TSUSA) and the Harmonized Tariff Schedule (HTS) item numbers listed in appendix A are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990, two producers/exporters, NMB Thai Ltd. (NMB) and Pelmec Thai Ltd. (Pelmec), and twelve programs.

Calculation Methodology

Respondents claim that the value of the subject merchandise entering the United States is greater than the sales revenue received by the comnpanies in Thailand due to a markup charged by the parent company, located in a third country, through which the merchandise is invoiced. Respondents argue that the calculated *ad valorem* rate should be adjusted by the ratio of the RTG export value over the sales value charged to the US customer by the parent company.

The Department does not consider it appropriate to incorporate markups or markdowns levied in a third country in calculating the net bounty or grant rate, because the bounties or grants were received based on the value of respondents' sales as exported from Thailand (see, Final Affirmative Countervailing Duty Determination and Partial Countervailing Duty Order; Ball Bearings and Parts Thereof from Thailand (54 FR 19130; May 3, 1989)). Therefore, in this review we calculated the rate of bounty or grant using only the FOB export value of the subject merchandise.

Analysis of Programs

1. Electricity Discounts for Exporters

The Electricity Generating Authority of Thailand (EGAT), the Metropolitan Electricity Authority (MEA), and the Provincial Electricity Authority (PEA) provided discounts on electricity rates charged to exporters. This program was discontinued on January 1, 1990, but exporters are still eligible for residual benefits from previously submitted applications. This program provides a 20 percent discount on the cost of the electricity used to produce the exported goods. Because this program provides benefits to exporters only, we determine that it is countervailable.

Both NMB and Pelmec received benefits from this program during the review period. To calculate the benefit, we divided the total amount of electricity credits received by both companies by the total FOB value of export sales of both companies. On this basis, we preliminarily determine the net bounty or grant from this program to be 0.07 percent *ad valorem* during the review period.

2. Investment Promotion Act (IPA)—Sections 31, 28 and 36(1)

The Investment Promotion Act of 1977 is administered by the Board of Investment (BOI) and is designed to provide incentives to invest in Thailand. In order to receive benefits from the IPA, each company must apply to the

BOI for a Certificate of Promotion (license), which specifies goods to be produced, production and export requirements, and benefits allowed. These licenses are granted at the discretion of the BOI and are periodically amended or reissued to upgrade benefits. Each IPA section for which a company is eligible must be specifically stated in the license. Both Pelmec and NMB had export requirements contained in their licenses for the review period, and both licenses specifically allowed them to receive tax and duty exemptions under IPA sections 31, 28, and 36(1).

Under section 31, an exporting company is allowed an exemption from payment of corporate income tax on profits derived from promoted exports. Under section 28, an exporting company is allowed to import machinery and equipment (fixed assets) free of import duties and business and local taxes, and under section 36(1), the company is allowed to import essential materials (non-fixed assets) that are not physically incorporated into the export good free of the same duties and taxes. We verified that NMB and Pelmec claimed exemptions under section 31 on their tax returns filed during the 1990 review period, and they imported both fixed and non-fixed assets duty- and tax-free during the review period. Because the tax and duty exemptions provided in NMB's and Pelmec's BOI licenses are contingent upon export performance, we determine that these exemptions are countervailable.

We calculated the benefit to NMB and Pelmec under Section 31 by obtaining the difference between what each company paid in corporate income tax during the review period, and what it would have paid absent the exemption. We calculated the benefit to NMB and Pelmec under sections 28 and 36(1) by obtaining the amount of duties and taxes that would have been paid on the imports absent the exemption. We added all duty and tax savings under all the IPA programs and divided this aggregate benefit by the total FOB export value. On this basis, we preliminarily determine the net bounty or grant from IPA sections 31, 28 and 36(1) to be 20.19 percent *ad valorem* during the review period.

3. Tax Certificate for Exporters

The Royal Thai Government issues to exporters of record tax certificates which are transferable and which rebate indirect taxes and import duties levied on inputs used to produce exports. This rebate program is provided for in the "Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act" (Tax and Duty Act). The rebate rates under the Tax and Duty Act are computed based on the Basic Input-Output Table of Thailand (I–O table).

Using the I–O table, the Thai Ministry of Finance computes the value of total inputs (both imported and domestic) at ex-factory prices. It also calculates the import duties and indirect taxes on each input, and calculates an "A" rebate rate, which rebates both import duties and indirect domestic taxes, and a "B" rebate rate, which rebates only indirect domestic taxes. Exporters who participate in Thailand's duty drawback or duty exemption programs claim the "B" rate. The relevant rebate rate is then applied to the FOB value of the export to determine the amount of rebate that will be provided.

Under the Tax and Duty Act, rebates are paid to exporters by tax certificates, which can be used to pay the exporter's tax liabilities, or can be sold to another company, usually at less than face value. The rebate rates in effect during the review period were 7.19 percent as the "A" rate, and 0.59 percent as the "B" rate. As determined in Final Affirmative Countervailing Duty Determination and Partial Contervailing Duty Order: Ball Bearings and Parts Thereof from Thailand (54 FR 19130; May 3, 1989), these rebates are countervailable only to the extent that the remissions of duties and taxes exceed those actually levied on physically incorporated inputs. Further, in Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Steel Wire Rope from Thailand (56 FR 46299; September 11, 1991), the Department calculated the sector-wide overrebate rate for Sector 111, which contains steel wire rope. Since Sector 111 also contains ball bearings, we applied the same sector rate in this review. On this basis, we preliminarily determine the net bounty or grant benefit from this program to be 0.15 percent *ad valorem*.

4. Other Programs

We also examined the following programs and preliminarily determine that the exporters of the subject merchandise did not use them during the review period:

- Export Packing Credits.
- Rediscount of Industrial Bills.
- Export Processing Zones.
- IPA Sections 33 and 36(4).
- Reduced Business Taxes for Producers of Intermediate Goods for Export Industries.
- International Trade Promotion Fund.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 20.41 percent *ad valorem* for the period January 1, 1990 through December 31, 1990.

Therefore, the Department will instruct the Customs Service to assess countervailing duties of 20.41 percent of the f.o.b. invoice price on all shipments from Thailand of the subject merchandise exported on or after January 1, 1990 and on or before December 31, 1990.

As provided by section 751(a)(1) of the Act, the Department also intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 20.41 percent of the f.o.b. invoice price on shipments of the subject merchandise from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice.

Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in

any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 10, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

Appendix A

Scope of the Review

The products covered by this review, ball bearings, mounted or unmounted, and parts thereof, constitute the following as outlined below.

Ball Bearings, Mounted or Unmounted, and Parts Thereof

These products include all antifriction bearings which employ balls as the rolling element. During 1988, imports of these products were classifiable under the following categories: Antifriction balls (Tariff Schedules of the United States Annotated (TSUSA) items 680.3025 and 680.3030; ball bearings with integral shafts (TSUSA item 680.3300); ball bearings (including radial ball bearings) and parts thereof (TSUSA items 680.3704, 680.3708, 680.3712, 680.3717, 680.3718, 680.3722, 680.3727, and 680.3728); ball bearing type pillow blocks and parts thereof (TSUSA items 681.0410 and 681.0430); ball bearing type flange, take-up, cartridge, and hanger units, and parts thereof (TSUSA items 681.1010 and 681.1030); and other bearings (except tapered roller bearings) and parts thereof (TSUSA 680.3960). Wheel hub units which employ balls as the rolling element entering under TSUSA item 692.3295 are subject to the review; all other products entering under this TSUSA item are not subject to the review. Finished but unground or semiground balls are not included in the scope of this review.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

This review covers all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if (1) they have been heat treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this review are those where the part will be subject to heat treatment after importation.

[FR Doc. 92-6298 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 911186-1286]

RIN 0693-AA48

Selection of a Test Method and Intention To Establish a Validation Service for the Federal Information Processing Standard (FIPS) 160, Programming Language C

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments

SUMMARY: NIST has selected the Perennial ANSI C Validation Suite (ACVS™) as the test method to be used by the NIST for testing C compilers for conformance to FIPS PUB 160. The NIST Validation Service will be used to assess the degree to which C implementations conform to FIPS PUB 160. The NIST will use a trial validation service to verify the accuracy and completeness of the C validation procedures. To assess the suitability of the test method and validation procedures for testing conformance to FIPS, NIST solicits the views of industry, the public and local governments

DATES: The trail validation service started in January 1992 and will continue through September 1992. Comments on the test method and validation procedures must be received by September 30, 1992.

ADDRESSES: Written comments should be sent to: National Institute of Standards and Technology, Computer Systems Laboratory, ATTN: C Test Service, Building 225, room A266, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Kathryn Miles, telephone (301) 975-3156, National Institute of Standards and Technology, Building 225, room A266, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION:

Background

The Federal Information Processing Standard Publication (FIPS PUB 160) for the Programming Language C, which adopts ANSI X3.159-1989 Programming Language—C, was approved as a Federal Standard on February 15, 1991, and became effective on September 30, 1991. In accordance with FIPS PUB 160, the standard applies to C compilers acquired for federal use after its effective date. The purpose of the C standard is to permit portability of C applications across a variety of hardware configurations.

Federal agencies may require conformance to FIPS 160 whether the compilers are developed internally, acquired as part of an ADP system procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services. Testing may be required in order for agencies to determine if the C implementations conform to FIPS PUB 160. The Perennial ACVS™ Test Suite and the test results provided from the NIST validation service are sources for federal agencies to use in making this determination.

Updates to the Test Method

The Test Suite will be periodically updated and used as the basis for validating FIPS 160 implementations. The update process will be used to correct errors identified in the Perennial ACVS™ Test Suite and to introduce new or modified programs as appropriate. Modification to the Test Suite is also intended to ensure that implementations are being built according to the technical specifications of the standard. Should an interpretation of the FIPS be made that would affect the test suite, these changes would also be reflected during the update process.

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

Dated: March 11, 1992.

John W. Lyons,

Director.

[FR Doc. 92-6211 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-CN-M

[Docket No. 920252-2052]

Approval of Amendments to Voluntary Product Standard PS 20-70 (91), "American Softwood Lumber Standard"

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice.

SUMMARY: Several amendments to Voluntary Product Standard PS 20-70 (91) "American Softwood Lumber Standard" became effective on February 20, 1992. Copies of these amendments are available from the Office of Standards Services, A625—Administration Building, National Institute of Standards and Technology, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTRACT: Barbara M. Meigs, Office of Standards

Services, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975–4025.

Authority: (15 U.S.C. 272 and 15 CFR part 10).

Dated: March 11, 1992.

John W. Lyons,

Director.

[FR Doc. 92–6207 Filed 3–17–92; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Sri Lanka

March 11, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6580. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, special shift and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 29232, published on June 26, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 11, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 21, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on July 1, 1991 and extends through June 30, 1992.

Effective on March 18, 1992, you are directed to amend further the directive dated June 21, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Sri Lanka:

Category	Adjusted twelve-month limit [1]
338/339	991,521 dozen of which not more than 784,132 dozen shall be in Categories 338–S/339–S [2].
341	757,849 dozen of which not more than 321,123 dozen shall be in Category 341–Y [3].
359–C/659–C [4]	948,114 kilograms.
369–D [5]	546,324 kilograms.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1991.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[5] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–6243 Filed 3–17–92; 8:45 am]

BILLING CODE 3510–DR–F

Denial of Participation in the Special Access and Special Regime Programs

March 11, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs denying the right to participate in the Special Access and Special Regime Programs.

EFFECTIVE DATE: June 1, 1992.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–3400.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Committee for the Implementation of Textile Agreements (CITA) has determined that Lee Thomas, Inc. is in violation of the requirements set forth for participation in the Special Access and Special Regime Programs.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, effective on June 1, 1992, to deny Lee Thomas, Inc. the right to participate in the Special Access and Special Regime Programs for a period of three months, beginning June 1, 1992 and ending August 31, 1992.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and 54 FR 50425, published on December 6, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 11, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has determined that Lee Thomas, Inc. is in violation of the requirements for participation in the Special Access and Special Regime Programs.

Effective on June 1, 1992, you are directed to prohibit Lee Thomas, Inc. from further participation in the Special Access and Special Regime Programs for a period of three months, beginning June 1, 1992 and ending August 31, 1992. Goods accompanied by Form ITA-370P which are presented to U.S. Customs for entry under the Special Access and Special Regime Programs will no longer be accepted. In addition, for the period June 1, 1992 through August 31, 1992, you are directed not to sign ITA-370P forms for export of U.S.-formed and cut fabric for Lee Thomas, Inc.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-6244 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DR-F

Denial of Participation in the Special Access and Special Regime Programs

March 12, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs denying the right to participate in the Special Access and Special Regime Programs.

EFFECTIVE DATE: June 1, 1992.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-3400.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Committee for the Implementation of Textile Agreements (CITA) has determined that Macclenny Products, Inc., is in violation of the requirements set forth for participation in the Special Access and Special Regime Programs.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, effective on June 1, 1992, to deny Macclenny Products, Inc., the right to participate in the Special Access and Special Regime Programs, for a period of two months, beginning June 1, 1992 and ending July 31, 1992.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and 54 FR 50425, published on December 6, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 12, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has determined that Macclenny Products, Inc., is in violation of the requirements for participation in the Special Access and Special Regime Programs.

Effective on June 1, 1992, you are directed to prohibit Macclenny Products, Inc., from further participation in the Special Access and Special Regime Programs for a period of two months, beginning June 1, 1992 and ending July 31, 1992. During this period, goods accompanied by Form ITA-370P which are presented to U.S. Customs for entry under the Special Access and Special Regime Programs will not be accepted.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementotion of Textile Agreements.

[FR Doc. 92-6245 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Army

Change in Carrier Approval Qualifications in the International One-Time-Only Program

AGENCY: Military Traffic Management Command, DoD.

ACTION: Notice of change.

SUMMARY: The Military Traffic Management Command (MTMC), Directorate of Personal Property, is effecting changes to carrier approval qualifications to participate in the international one-time-only (OTO) program for the movement of DoD household goods (HHG) and unaccompanied baggage (UB) shipments. The initial proposal regarding these changes was published in the **Federal Register** on 2 July 1991, 56 FR 30380.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Gail Collier, (703) 756-2397, Headquarters, Military Traffic Management Command, ATTN: MTPP-CI (Ms. Collier), 5611 Columbia Pike, Falls Church, VA 22041-5050.

SUPPLEMENTARY INFORMATION:

a. the Military Traffic Management Command's procedures for the international OTO household goods and unaccompanied baggage shipment programs are outlined in the International Personal Property Rate Solicitation I-2, effective 1 October 1991, Chapter VII, and Personal Property Traffic Management Regulation (PPTMR), DOD 4500.34-R chapter 2, paragraph 2024.a, page 2-30 and 5003.e2. The OTO program is primarily used for moving household goods and unaccompanied baggage shipments when the origin-to-destination channels are uncontrolled rate areas; when no carrier has Letter of Intent (LOI) on file at the military installation controlling the shipment; when a shipment requires conversion, i.e., from Code 4 to Code 5 service or from Code 7 to Code 8 service due to strike or other conditions which impede timely service and the carrier to which the shipment was tendered does not offer alternative rates in the converted service; when a shipment requires reshipment under conditions specified in chapter V of the rate solicitation; or when a carrier inadvertently accepts shipment on a channel where it has not effective rate on file. Chapter II of the PPTMR and chapter VII of the International Personal Property Rate Solicitation contain a complete listing of OTO procedures. MTMC solicits rates for these types of shipments from approved MTMC international through Government Bill of Lading (ITGBL) carriers that have submitted a written request to participate in the international OTO program. All comments received by MTMC have been considered and as appropriate have been incorporated into the following rule change.

Revised Rule

a. The DOD 4500.34–R PPTMR, chapter 2, paragraph 2004.d., (page 2–5), is changed as follows:

d. Uncontrolled-Rate Areas. Specific country approval is required by HQMTMC for uncontrolled rate areas. Carriers, seeking to participate in the OTO program for movements involving uncontrolled rate areas, must provide the following to HQMTMC with their requests for approval:

(1) A statement, that the carrier has completed 12 months of continuous service as a DOD-approved international through Government Bill of Lading (ITGBL) carrier. Carrier must have had a satisfactory performance during the 12 month period. Satisfactory (ITGBL) performance is defined as a satisfactory performance TQAP score for the most recent 6-month performance cycle (1 Apr to 30 Sep/1 Oct to 31 Mar) at no less than 90 pecent of total installations serviced.

(2) A list of codes of service for which the carrier is requesting approval.

(3) A list of countries in which the carrier would like to participate, enclosing the name(s) and addresses of agent(s) for each country. Agents located outside of the continental United States, Alaska, Hawaii, and controlled rate areas listed in paragraph 2004c, need not be DOD-approved. This does not restrict the carrier to use only the agent(s) listed. Carriers are required to update this list annually from the date of their initial submission.

(4) A copy of the carrier's standard operating procedures (tracing and traffic management procedures) used to process international OTO shipments.

(5) Telephone numbers at which key employees can be reached during nonworking hours in case of an emergency. These numbers will be utilized in case of emergency situations, such as an embassy evacuation. This is a voluntary requirement. Carriers who cannot be contacted on short notice may not be able to submit their bids in a responsive manner.

(6) Carriers approved and presently participating in the OTO program will be required to comply with the above qualification requirements within 12 months of implementation of these requirements. Failure to provide the required information will result in the revocation of the carrier's approval to participate in this program. Carriers submitting initial approval after starting 1 March 1992, must comply with the above requirements.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–6210 Filed 3–17–92; 8:45 am]

BILLING CODE 3710–08–M

Intent To Grant an Exclusive Patent License to AMVAX, Inc.

AGENCY: Office of the Judge Advocate General, Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army announces its intention to grant AMVAX, Inc., a corporation of the State of Delaware, an exclusive license under U.S. Patent Application SN 07/642,093, filed on 12 January 1991, and Immunogenic Peptide Vaccines and Methods of Preparation.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to Earl T. Reichert at the address below.

FOR FURTHER INFORMATION CONTACT: Earl T. Reichert, Department of the Army, Office of the Judge Advocate General, Intellectual Property Law Division, 5611 Columbia Pike, Falls Church, VA 22041–51013, (703) 756–2623.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–6209 Filed 3–17–92; 8:45 am]

BILLING CODE 3710–08–M

DELAWARE RIVER BASIN COMMISSION

Proposed Amendments to Comprehensive Plan, Water Code of the Delaware River Basin, Administrative Manual; Part III Water Quality Regulations; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Comprehensive Plan, Water Code and Water Quality Regulations relating to water quality standards and policies to protect existing water quality in certain waters of the Basin. The proposal would also classify the Upper Delaware Scenic and Recreational River, the Delaware Water Gap National Recreation Area, and the Delaware River from Millrift, Pennsylvania to the northern boundary of the Delaware Water Gap National Recreation Area as Special Protection Waters.

In addition, the Commission is proposing related revisions to its Administrative Manual—Rules of Practice and Procedure. A summary of the proposed amendments to the Administrative Manual—Rules of Practice and Procedure is published elsewhere in the Proposed Rules section of this issue of the **Federal Register.**

DATES: The public hearings are scheduled as follows: May 5, 1992, and May 6, 1992 from 2 to 5 p.m., resuming at 7 p.m.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The May 5, 1992 hearing will be held in the Ballroom of the Inn at Hunts Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

The May 6, 1992 hearing will be held in the Tusten Theater on Bridge Street (Route 52) in Narrowsburg, New York.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628, Telephone (609) 883–9500.

SUPPLEMENTARY INFORMATION:

Background and Rationale

Water quality standards and policies now in effect for the Delaware River between Hancock, New York and the Delaware Water Gap are based on the protection of designated uses for primary-contact recreation and aquatic life. However, these water quality standards and associated effluent and other policies do not specifically preserve the existing high level of water quality from degradation.

In 1988, the Commission and the National Park Service initiated the development of a water quality protection plan for the Middle Delaware Scenic and Recreational River and tributaries within the boundary of the National Recreation Area. Prompting the

need for the plan was the existing and planned rapid growth and development in the drainage area to the National Recreation Area and the potential decline in water quality within the National Recreation Area due to increased point and non-point source pollution in its drainage area.

In 1989, the Watershed Association of the Delaware River petitioned the Commission to classify the Delaware River from Hancock, New York to the Delaware Water Gap as an Outstanding National Resource Water, as described by U.S. Environmental Protection Agency anti-degradation regulations.

In response to the petition and other considerations, the Commission expanded the areal scope of the water quality protection planning effort to include the Upper Delaware Scenic and Recreational River corridor.

Commission reports describing issues and alternatives were disseminated in March 1990, October 1990 and April 1991. In November and December 1990, the Commission held a series of public briefings concerning possible scenic rivers protection alternatives.

The proposed changes to the Commission's regulations were developed with scientific and policy input from the Commission's Water Quality Advisory Committee. Participants in the Committee discussions included representatives from the environmental departments of Delaware, New Jersey, New York, Pennsylvania; U.S. Environmental Protection Agency Regions II and III; public members from the University of Rhode Island and the Academy of Natural Sciences; and the National Park Service. Members of the general public were observers at the various Committee meetings. Comments received on the various reports issued to the public during the planning process, comments received from the public briefings, and the inputs received through the Advisory Committee deliberations have led to the changes now being proposed.

The proposed revisions set forth an overall framework for providing special water quality protection measures for interstate and contiguous waters deemed by the Commission to have exceptionally high scenic, recreational, ecological or water supply values. The proposed changes then go an additional step by classifying certain stream reaches as Special Protection Waters, thus activating the provisions of the Special Protection Water policies in these reaches. The changes have been designed to be implementable, with the dual objective of protecting existing water quality without adversely impacting local growth and development prerogatives.

The proposed amendments define the goals of the water quality protection strategy, set forth point and non-point source pollution control policies and requirements and define the institutional structure within which the Commission, the state environmental agencies and others will share overall water quality management responsibilities. The proposal also classifies certain stream reaches as Special Protection Waters and includes numerical definitions of Existing Water Quality and the locations of monitoring points which will be used to manage water quality.

The Commission has prepared a "Basis and Background Document—Proposed Revisions to Water Quality Standards and Regulations—Hancock, New York to the Delaware Water Gap" describing the proposed amendments and their rationale in considerable depth. This and other relevant reports may be obtained by contacting Christopher M. Roberts at the Commission.

Copies of the full text of the proposed amendments may be obtained by contacting Ms. Weisman at the address provided in **FOR FURTHER INFORMATION CONTACT.** Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact. 75 Stat. 688.

Dated: March 11, 1992.

Susan M. Weisman,

Secretary

[FR Doc. 92-6248 Filed 3-17-92; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Availability of Draft "Decontamination and Decommissioning Integrated Demonstration Strategy"

AGENCY: Department of Energy, Office of Environmental Restoration and Waste Management.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability for public review of the draft document, "DOE Decontamination and Decommissioning Integrated Demonstration Strategy." The document outlines an approach to providing new and improved technology that will allow decontamination and decommissioning of DOE shutdown facilities to be performed faster, safer, better, and cheaper than using currently available technology.

DATES: Written comments on this document will be accepted by mail or by facsimile transmission to the address or telephone numbers given below until May 15, 1992.

ADDRESSES: Copies of this document are available from R. D. Bundy or J. M. Kennerly, Martin Marietta Energy Systems, Inc., P.O. Box 2003, Oak Ridge, Tennessee 37831-7387 (Telephone (615) 576-0192 or (615) 574-9935, Facsimile (615) 576-7702 or (615) 574-9538).

Dated: March 9, 1992.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92-6294 Filed 3-17-92; 8:45 am]

BILLING CODE 6450-01-M

Floodplain/Wetland Involvement Notification for the Standley Lake Diversion Near the Department of Energy's Rocky Flats Plant at Golden, CO

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: Regulations at 10 CFR part 1022 require DOE to evaluate actions it may take in a floodplain/wetland, in order to ensure consideration of protection of the floodplain/wetland in decisionmaking. After a determination that a floodplain/wetland may be involved, the regulations require that public notice be published in the **Federal Register**, including a description of the proposed action and its location. DOE, through a grant to the City of Westminster, Colorado, and other nearby municipalities, proposes to construct a water diversion project immediately east of the Rocky Flats Plant (RFP) and approximately 16 miles northwest of Denver. The project could have impacts on 100-year floodplains and/or wetlands.

DATES: Comments on the proposed action must be received by April 2, 1992.

ADDRESSES: All Comments concerning this notice should be addressed to Floodplain/Wetland Comments, Beth Brainard, Public Affairs Office, U.S. Department of Energy, Rocky Flats Office, Post Office Box 928, Golden, Colorado 80402-0928; Telephone: (303) 966-5993.

FOR FURTHER INFORMATION CONTACT: Information on floodplain/wetland environmental review requirements is available from Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S

Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: DOE, through a grant to the City of Westminster, Colorado, and other nearby municipalities, proposes to construct a water diversion project immediately east of the Rocky Flats Plant (RFP) and approximately 16 miles northwest of Denver. The project could have impacts on 100-year floodplains and/or wetlands. The project is intended to provide protection for Standley Lake, a drinking water supply reservoir immediately downstream of RFP and serving approximately 180,000 people, from accidental releases of contaminants for RFP. Protection would be provided in the form of a diversion canal that would route flows from Woman Creek (which drains a portion of RFP and flows directly to Standley Lake) around Standley Lake, returning these flows directly to Big Dry Creek downstream of the reservoir. Surface waters downstream of the reservoir are not used for drinking water supplies.

The diversion canal would have a total length of aproximately 15,000 feet, extending in an easterly/southeasterly direction from a point on Woman Creek between Indiana and Alkire Streets (immediately east of RFP), around the north side of Standley Lake near 100th Avenue, and emptying into Big Dry Creek immediately below the dam at Standley Lake. The first 10,500 feet would be an earth-lined channel with a maximum capacity of 1,500 cubic feet per second, conforming to local flood control district limitations. Along this portion of the canal, concrete drop structures would be installed to maintain the overall gentle longitudinal slope and minimize the depth of the required cut. The canal would run underground in box culverts in two locations, one beneath Alkire Street north of the Church Ditch, and one beneath the Church Ditch at a location southwest of 100th Avenue and Simms Street. At a point sourtheast of Simms Street and 100th Avenue, the slope of the last 4,500 feet of the canal would increase to 2.9 percent, and the channel would join the dam spillway. This portion of the channel would be concrete lined.

Also associated with this project are an upstream diversion pond and a downstream energy dissipation pond. The purpose of the upstream diversion pond would be to regulate runoff from Woman Creek into the diversion canal. The pond would be impounded by an earthen embankment less than 10 feet high and would have a surface area of approximately 10 acres. Storage of 20 to 40 acre-feet would be provided.

The downstream energy dissipation pond would provide a controlled hydraulic transition for high-velocity waters transmitted through the concrete-lined spillway. The pond would be constucted immediately off-channel of Big Dry Creek below the Standley Lake Dam. The downstream pond would provide 30 to 60 acre-feet of storage capacity.

The project would be designed to intercept and divert Woman Creek flows on a regular basis upstream of Standley Lake and dewater the reach of Woman Creek between the upstream pond and Standley Lake. There is the potential that the upstream pond would inundate some wetlands and a section of the narrow band of wetlands, extending northwest of the Mandalay Reservoir along the Mandalay-Kettner Ditch also may be affected by the canal.

It is expected that the upstream pond would lie within the 100-year floodplain for Woman Creek. On Big Dry Creek, the downstream energy dissipation pond would be constructed within the 100-year floodplain. An environmental assessment is being prepared for this project and contains detailed project descriptions and further discussions of potential project impacts. The environmental assessment is available from the U.S. Department of Energy, Rocky Flats Office (see **ADDRESSES**, above).

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–6295 Filed 3–17–92; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance; Surface Combusted, Inc.

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of award intent.

SUMMARY: The U.S. Department of Energy's Idaho Field Office announces that pursuant to the DOE Financial Assistance Rules 10 CFR 600.7, it intends to award a Cooperative Agreement Number DE–FC07–92ID13173 to Surface Combustion, Inc. The objective of the work to be performed under this project is to develop an acoustic temperature measurement system of determing temperatures of work pieces as they are heated.

FOR FURTHER INFORMATION CONTACT: Dallas L. Hoffer, U.S. Department of Energy, Idaho Field Office, 785 DOE Place, MS 1221, Idaho Falls, Idaho 83401–1562, 208–526–0014.

SUPPLEMENTARY INFORMATION: The statutory authority for the research is Public Law 92–577, Federal Non-Nuclear Energy Research and Development Act of 1974 and Public Law 93–348, Energy Reorganization Act of 1974. The proposal meets the criteria for "non-competitive financial assistance," as set forth in 10 CFR 600.7(b)(2). The anticipated total project period to be awarded is 3 years. The estimated total award value is $440,000. The estimated Surface Combustion cost share is estimated to be 115,000 or 26%.

Contact: Dallas L. Hoffer, Contract Specialist (208) 526–0014, U.S. Department of Energy, Idaho Field Office, 785 DOE Place, MS 1221, Idaho Falls, Idaho 83401–1562.

Dated: March 5, 1992.

Dolores J. Ferri,

Director, Contracts Management Division.

[FR Doc. 92–6292 Filed 3–17–92; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

L.A. Cruise Ship, Terminals, Inc., et al. Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200631.

Title: L.A. Cruise Ship Terminals, Inc./Crystal Cruises, Inc. Terminal Agreement.

Parties:

L.A. Cruise Ship Terminals, Inc.
Crystal Cruises, Inc.

Synopsis: The agreement provides for the use by Crystal Cruises, Inc. of terminal facilities and services provided by L.A. Cruise Ship Terminals, Inc. in the Port of Los Angeles.

Agreement No.: 202–011284–019.

Title: Equipment Interchange Discussion Agreement.

Parties:

American President Lines, Ltd.
A.P. Moller-Maersk Line
Compagnie Generale Maritime
Crowley Maritime Corporation
Hapag-Lloyd Aktien-gesellschaft
Hyundai Merchant Marine Co., Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines Ltd.
Nedlloyd Lijnen B.V.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha Line
Orient Overseas Container Line, Inc.
Orient Overseas Container Line, (UK) Ltd.
P & O Containers Limited
Sea-Land Service, Inc.

Synopsis: The propsed amendment would clarify the requirements on votes taken by telex, telephone, and telefax polls conducted under the Agreement.

Agreement No.: 202–011346–002.

Title: Israel Trade Conference Agreement.

Parties:

Farrell Lines, Inc.
Lykes Bros. Steamship Company Company, Inc.
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would revise Article 5.4 of the Agreement Authority to permit the parties to discuss and agree upon any open tariff rate, rule or regulation. Adherence to any such agreement is voluntary.

Dated: March 12, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6258 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

NYK Cruises Co., Ltd.,
2–3–2, Marunouchi, Chiyoda-ku,
Tokyo, Japan,
Vessel: ASUKA.

Dated: March 12, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6212 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

NYK Cruises Co., Ltd., Asuka Maritima S.A. and Nippon Yusen Kabushiki Kaisha, 2–3–2, Marunouchi, Chiyoda-ku, Tokyo, Japan,
Vessel: ASUKA.

Dated: March 12, 1992.

Joseph C. Polking,

Secretary

[FR Doc. 92–6213 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR 510.

License Number: 3274.
Name: Product Transportation Group, Inc.
Address: 370 Adams Street, Newark, N.J. 07114.
Date Revoked: February 7, 1992.
Reason. Failed to furnish a valid surety bond.

License Number: 1062.
Name: Horizon Forwarders, Inc.
Address: 19 Virginia Ave., Long Beach, NY 11561
Date Revoked: February 21, 1992.
Reason: Surrendered license voluntarily.

License Number: 736.
Name: Dunlap, Alpers & Mott, Inc.
Address: 27 Park Place, suite 308, New York, NY 10007.
Date Revoked: March 2, 1992.
Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 92–6251 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFT part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Sunshine Freight Forwarders, Inc., 8292 NW. 68th Street, Miami, FL 33166, Officers: Johnny Prada, President, Godofredo Murillo, Vice President.

Frama Forwarding Corp., 7967 NW.—64th Street, Miami, FL 33166, Officers: Mariseles Arango, President, Gustavo R. Arango, Vice President.

Hoyo Cargo, Inc., 9440 Fountainbleau Blvd., suite 114, Miami, FL 33172, Officer: Eric Jose Marie Hoytink, President.

Griffin International, Inc., 5208 NW. 165th Street, Miami, FL 33014, Officers: Martin Schmitt, President, Patrick L. Griffin, Vice President/Treasurer, Donna Destefano, Vice President/Secretary.

PGA International Forwarders, Inc., 8260 SW. 183rd Street, Miami, FL 33157, Officers: Andrew Sham Siew, President, Antonio A. Leal, Vice President, Gary Peter Alfonso Halfhide, Vice President, Peter Mark Acham, Vice President, Donna Siew, Secretary.

K International Transport Co., Inc., c/o Panta, Inc. suite 3238, Rockefeller Plaza, New York, NY 10112, Officers: Wolfgang Klebe, President/Chairman/Treasurer, Jutta E. Klebe, Secretary.

RRSH Group, Inc., 8010 NW. 66th St., Miami, FL 33166, Officers: Ronald Rivas, President, Jose Alejandro Hernandez, Vice President.

United Arab Agencies, Inc., 505 South Avenue, Cranford, NJ 07016, Officers: John A Vanna, President/CEO, Abdulla Mady Al Mady, Director, Bryan W. Pinder, Director, Khalifa Al Shebli, Director, Abdul Nabi Mansour, Chairman.

Horizon Shipping, 7615 Cambridge Street, Houston, TX 77054, Mardy A. Schweitzer, Sole Proprietor.

Pan Am Cargo, Inc., 4729 NW. 72nd Avenue, Miami, FL 33166, Officers: Mary Angel Garcia, President, Cecilio Juan Padron, Director.

Dated: March 13, 1992.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6257 Filed 3-17-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Calvin W. Clark; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 13, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Calvin W. Clark, Pine City, Minnesota; to acquire 17.82 percent of the voting shares of Pine City Bancorporation, Inc., Pine City, Minnesota, and thereby indirectly acquire Pine City State Bank, Pine City, Minnesota.

Board of Governors of the Federal Reserve System, March 12, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6237 Filed 3-17-92; 8:45 am]

BILLING CODE 6210-01-F

Community First Bankshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Community First Bankshares, Inc., Fargo, North Dakota; to acquire Community Insurance, Inc., Fargo, North Dakota, and thereby engage in general insurance agency activities in communities with populations of less than 5,000 pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 12, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6238 Filed 3-17-92; 8:45 am]

BILLING CODE 6210-01-F

The Shorebank Corporation, et al.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. The Shorebank Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, North Coast BIDCO, Inc., Marquette, Michigan, in activities designed primarily to promote community welfare by providing equity and debt investments not otherwise available to small businesses, to support the initiation and expansion of job creation opportunities for low- and moderate-income residents of the Upper

Peninsula of Michigan pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 12, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6239 Filed 3-17-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Revocation of Certification of a Laboratory Which No Longer Meets Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services routinely publishes in the **Federal Register** a list of laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11986) dated April 11, 1988. This notice informs the public that, effective March 12, 1992, the following laboratory's certification has been revoked: Environmental Chemical Corporation, Inc., (formerly Environmental Health Research and Testing), 1075 South 13th Street, Birmingham, AL 35205, 205-934-0985.

FOR FURTHER INFORMATION CONTACT: Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, Telephone: 301-443-6014, 5600 Fishers Lane, Rockville, Maryland 20857.

Richard A. Millstein,

Acting Director, National Institute on Drug Abuse.

[FR Doc. 92-6344 Filed 3-16-92; 9:24 am]

9BILLING CODE 4160-20-M

National Institutes of Health

National Cancer Institute; Meeting; Biometry and Epidemiology Contract Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, April 20-21, 1992, Executive Plaza North, Conference Room H, 6130 Executive Boulevard, Rockville, Maryland 20892.

This meeting will be open to the public on April 20 from 9 a.m. to 10 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on April 20 from 10 a.m. to recess and April 21 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892, Tel. 301/496-5708, will provide a summary of the meeting and a roster of committee members upon request. Dr. Harvey P. Stein, Scientific Review Administrator, Biometry and Epidemiology Contract Review Committee, 5333 Westbard Avenue, room 807, Bethesda, Maryland 20892, telephone 301/496-7030, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6228 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Developmental Therapeutics Contracts Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, Subcommittee A, Chemistry, National Cancer Institute, National Institutes of Health, March 27, 1992, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on March 27 from 9 a.m. to 10 a.m. to discuss adminstrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on March 27 from 10 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide a summary of the meeting and a roster of committee members upon request.

Dr. Susan E. Feinman, Scientific Review Administrator, Developmental Therapeutics Contracts Review Committee, 5333 Westbard Avenue, room 809, Bethesda, Maryland 20892 (301/402-0944) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6230 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Cancer Biology-Immunology Contracts Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Biology-Immunology Contracts Review Committee, National Cancer Institute, National Institutes of Health, April 23-24, 1992, Building 31, Conference Room 9 (C-Wing, Sixth Floor), Bethesda, MD, 20892.

This meeting will be open to the public on April 23 from 8:30 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 5523b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on April 23 from 9:30 a.m. to recess and on April 24

from 8:30 a.m. to adjournment for the review, discussion and evaluaiton of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Lalita D. Palekar, Scientific Review Administrator, Cancer Biology-Immunology Contracts Review Committee, 5333 Westbard Avenue, room 805, Bethesda, Maryland 20892 (301/496–7575) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–6227 Filed 3–17–92; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Heart, Lung, and Blood Institute on June 4 and 5, 1992, National Institutes of Health, 9000 Rockville Pike, Building 10, room 7C101, Bethesda, Maryland 20892.

This meeting will be open to the public from 9 a.m. to 5 p.m. on June 4 and from 9 a.m. to 1 p.m. on June 5 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provision set forth in Section 552(c)(6), Title 5, U.S.C. and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 1 p.m. to adjournment on June 5 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–4236, will provide a summary of the meeting and a roster of the Board members.

Substantive program information may be obtained from Dr. Edward D. Korn, Executive Secretary and Director, Division of Intramural Research, NHLBI, NIH, Building 10, room 7N214, phone (301) 496–2116.

Dated: March 6, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–6225 Filed 3–17–92; 8:45 am]

BILLING CODE 4140–01–M

Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 26, 1992 in Building 31, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on March 26, from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 26 from approximately 9 a.m. to 5 p.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236 will provide a summary of the meeting and a roster of the committee members.

Dr. Jeffrey H. Hurst, Scientific Review Administrator, Heart, Lung, and Blood Research Review Committee B, Westwood Building, room 5A–10, National Institutes of Health, Bethesda Maryland 20892, (301) 496–4485, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, National Institutes of Health.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–6232 Filed 3–17–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Meeting: Epidemiology and Technology Transfer Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Epidemiology and Technology Transfer Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases, March 30, 1992, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to the public from 8:30 a.m. to 12:30 p.m. on March 30 to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 12:30 p.m. until adjournment on March 30. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Responses, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institutes of Health, Bethesda, Maryland 20892,

telephone 301–496–5717, will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Dianne E. Tingley, Scientific Review Administrator, Acquired Immunodeficiency Syndrome Research Review Committee, NIAID, NIH, Solar Building, Room 4C16, Rockville, Maryland 20892, telephone 301–496–0818, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–6229 Filed 3–17–92; 8:45 am]

BILLING CODE 4140–1–M

National Institute on Deafness and Other Communication Disorders; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIDCD, March 31 and April 1, 1992, Building 31C, Conference Room 9, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 10 a.m. on March 31, 1992 to present reports and discuss issues related to committee business. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 10 a.m. until recess on March 31, 1992 and from 8:30 a.m. until adjournment on April 1, 1992. The closed portions of the meeting will be for the review, discussion, and evaluation of the Section on Neurotransmitter Receptor Biology, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Monica Davies, Acting Executive Secretary of the Board of Scientific Counselors, NIDCD, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, 301–402–1129, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: March 6, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–6226 Filed 3–17–92; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–92–3361; FR–3193–N–03]

HOPE for Homeownership of Multifamily Units Program; Notice of Set-Aside

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of set-aside for fiscal year 1992 funding.

SUMMARY: This notice announces a set-aside for grants to be awarded to mutual housing associations out of the $95 milion appropriated in fiscal year (FY) 1992 for grants under the HOPE for Homeownership of Multifamily Units (HOPE 2) program. This set-aside will be available to applications submitted by mutual housing associations to HUD by April 17, 1992, the date announced for receipt of applications in the Notice of Fund Availability published in the **Federal Register** on January 14, 1992. This Notice also announces the Department's intent to enter into a contract with the National Center for Tenant Ownership for technical assistance to low-income tenant organizations working toward homeownership.

DATES: Applications continue to be due by close of business in the appropriate HUD Field Office. See the January 14 NOFA for complete details on submission of applications.

FOR FURTHER INFORMATION CONTACT: Margaret Milner, Office of Resident Initiatives, Department of Housing and Urban Development, room 6130, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4542. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 800–877–TDDY, 800–877–8339, or 202–708–9300. (Telephone numbers, other than "800" TDD numbers, are not toll-free.)

SUPPLEMENTARY INFORMATION: The HOPE for Homeownership of Multifamily Units program (HOPE 2) was authorized by title IV of the National Affordable Housing Act (Pub. L. 101–625, approved Nov. 28, 1990) (the Act). (HOPE is an acronym for Homeownership and Opportunity for People Everywhere.) The Act also authorized HOPE for Public and Indian Housing Homeownership (HOPE 1) and HOPE for Homeownership of Single Family Homes (HOPE 3). The purpose of the HOPE grants programs is to provide homeownership opportunities for low-income families and individuals.

On January 14, 1992, the Department published a Notice of Fund Availability for the HOPE 2 program in the **Federal Register** (57 FR 1585) announcing the competition for $95 million appropriated by the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act for fiscal year 1992 (Pub. L. 102–139, approved October 28, 1991) for grants as follows:

- Up to $15 million for mini planning grants and full planning grants; and
- $80 million for implementation grants.

During the passage of the appropriations act, Congress made two recommendations for set-asides of funds appropriated for HOPE 2. The first recommendation, contained in the Conference report accompanying HR 2519, called for an allocation of $3 million to the National Center for Tenant Ownership in affiliation with the Harrison Institute at the Georgetown University Law Center, to provide technical assistance for low-income tenant organizations working toward homeownership. The second recommendation was in the Senate Committee report, and directed the Department to contract with the Neighborhood Reinvestment Corporation to award $10 million in HOPE 2 funds to grant applications for mutual housing.

After considering the congressional recommendations, the Department has determined to contract with the National Center for Tenant Ownership to provide technical assistance to develop low-income tenant homeownership. The $3 million amount will be provided from the $15 million allocated for mini and full planning grants in the January 14, 1992 NOFA.

Further, the Department has determined that it will award up to $10 million to HOPE 2 applicants that are mutual housing associations. This Notice announces the procedure by which the mutual housing set-aside will be awarded.

All applications for HOPE 2 grants that are received by close of business on April 17, 1992 will be reviewed and, if they meet the requirements of the program guidelines, will be rated and

ranked in a national competition, using procedures outlined in the NOFA and described in detail in the Notice of Amended Program Guidelines that was published simultaneously (57 FR 1558).

The NOFA and Notice announced that the geographic diversity required by the HOPE 2 authorizing statue would be assured by selecting the highest-ranked approvable implementation grant application and the three highest-ranked approvable planning grant applications in each of the ten HUD regions. This procedure will be retained. Following this regional selection process, HUD will review the applications recommended for selection in each of the regions to identify those that were submitted by mutual housing associations. The amount of funding requested by these mutual housing association applications will be counted against the set-aside for the mutual housing associations. HUD will then review the total universe of remaining approvable applications on a national basis and will compare the proportion of approvable mutual housing association applications to the total universe of approvable applications. Based on that analysis, HUD will determine the total amount to be provided under the set-aside and will select additional mutual housing applications to be funded in national rank order until all the set-aside funds have been awarded or all approvable applications for the mutual housing associations have been selected, whichever comes first. The total amount of funds to be used for mutual housing associations will not exceed $10 million. All funds not used for this purpose will be available for funding the remaining approvable HOPE 2 applications.

Dated: March 12, 1992.

Alfred A. DelliBovi,

Deputy Secretary.

[FR Doc. 92-6347 Filed 3-17-92; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-92-981; FR-3266]

Review of Determination, Orders and Interlocutory Rulings of Hearing Officers; Designation

AGENCY: Office of the Secretary, Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: This designation grants Shelley A. Longmuir, Counselor to the Secretary, the power and authority of the Secretary to review determinations, orders and interlocutory rulings of hearing officers in certain proceedings of the Department of Housing and Urban Development.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Markison, Assistant General Counsel of Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-3137. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Subpart G of 24 CFR part 26 permits parties to request review of determinations, orders and interlocutory rulings by hearing officers concerning administrative sanction hearings for government debarments and suspensions pursuant to 24 CFR part 24, hearings with respect to administrative actions taken by the Mortgagee Review Board pursuant to 24 CFR part 25, hearings with respect to determinations by the Multifamily Participation Review Committee pursuant to 24 CFR part 200, subpart H, as well as to any other case where a hearing is required by statute or regulation, to the extent that rules pertaining to Secretarial review adopted under such statute or regulation are not inconsistent with 24 CFR part 26.

Under subpart G of 24 CFR part 26, the Secretary may name a designee to grant or deny a petition for review of a determination or order, to grant or deny a petition for review of an uncertified interlocutory ruling, to review a certified interlocutory ruling, to require further briefs from opposing parties with respect to a petition for review of a determination or order, to issue a written determination and to serve it upon the parties and the hearing officer, and to interrupt a proceeding pending the determination of an interlocutory appeal.

This designation provides that Shelley A. Longmuir, Counselor to the Secretary, shall be the Secretary's designee with respect to subpart G of 24 CFR part 26 and shall have all the power and authority to the Secretary under this Subpart.

Section A. Designation

Shelley A. Longmuir, Counselor to the Secretary, is hereby designated to exercise all power and authority of the Secretary of Housing and Urban Development under 24 CFR part 26, subpart G.

Section B. No Further Designation

The power and authority granted to Shelley A. Longmuir, Counselor to the Secretary, may not be redelegated or granted to another designee pursuant to this designation.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: Februry 19, 1992.

Jack Kemp,

Secretary.

[FR Doc. 92-6233 Filed 3-17-92; 8:45 am]

BILLING CODE 4210-32-M

Office of Administration

[Docket No. N-92-3414]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use: (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of

respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 10, 1882.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Emergency Shelter Grants Program (FR–3005).

Office: Community Planning and Development.

Description of the Need for the Information and Its Proposed Use: This program provides formula grants to cities, counties, States, and territories (and competitive grants to Indian Tribes) for the following eligible activities relating to emergency shelter for the homeless. Eligible activities include rehabilitation, essential social services, operating costs and homeless prevention. The information collected will be used to ensure grantees comply with the program's statutory and regulatory requirements.

Form Number: SF–424, SF–269, HUD–7015.15, and certifications.

Respondents: Individuals or Household, State or Local Governments and Non-Profit Institutions.

Frequency of Submission: Annually and Other (initial and final application).

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information:							
Collection	425		4		27		45,893
Recordkeeping	395		1		16.24		6,415

Total Estimated Burden Hours: 52,308.

Status: Reinstatement.

Contact: James N. Forsberg, HUD, (202) 708–4300, Jennifer Main, OMB, (202) 395–6880.

Dated: March 10, 1992.

[FR Doc. 92–6300 Filed 3–17–92; 8:45 am]

BILLING CODE 4201–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NW–050–92–4333–12]

Proposed Camping Restrictions for Certain Public Lands; Las Vegas District, Nevada

SUMMARY: The proposed restriction is necessary for the management of actions, activities, and public use on certain public lands within the Las Vegas District. Within the affected lands, all camping is prohibited except pursuant to the terms and conditions of a permit. Permits are available from the Bureau of Land Management, Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada, 89108.

Camping is defined as: The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, or parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

The affected lands are located in the following areas:

Mount Diablo Meridian, Nevada

T. 16 S., R. 53 E., secs. 1 through 18 inclusive
T. 15 S., R. 53 E.,
Sec. 1, SE¼; sec. 12, E½; sec. 13, E½; sec. 24, E½; sec. 25, E½; sec. 35, S½S½; sec. 36, E½, S½SW¼.
T. 15 S., R. 54 E.,
Sec. 4, SW¼; sec. 5, S½; sec. 6, S½; secs. 7–8 inclusive; sec. 9, W½; sec. 16, W½; secs. 17–20 inclusive; sec. 21, W½; sec. 28, W½; secs. 29–32; sec. 33, W½.
T. 16 S., R. 54 E.,
Secs. 5 through 8 inclusive; secs. 17 and 18.
T. 16 S., R. 55 E.,
Sec. 1, S½; sec. 2, S½; sec. 3, S½; sec. 4, S½; sec. 5, S½; sec. 6, S½; secs. 7 through 18 inclusive; all lands located witin the Las Vegas Valley Subunit whose boundaries are defined in the Clark County Management Framework Plan and all public lands within the following legal descriptions:
T. 20 S., R. 63 E.,
Secs. 13, 24, 25;
T. 21 S., R. 63 E.,
Secs. 25, 36;
T. 22 S., R. 63 E.,
Secs. 1, 12, 13, 24, 25, 36;
T. 22 S., R. 63½ E.,
Secs. 1, 12, 13, 24, 25, 36;
T. 23 S., R. 63½ E.,
Sec. 1.
T. 20 S., R. 64 E.,
Secs. 19, 20, 29, 30.

DATES: Comments must be submitted on or before April 17, 1992.

ADDRESSES: Interested parties may submit comments on this proposed camping restriction to Ben F. Collins, District Manager, Las Vegas District Office, 4765 W. Vegas Drive, P.O. Box 26569, Las Vegas, Nevada, 89126.

FOR FURTHER INFORMATION CONTACT: Runore Wycoff, Bureau of Land Management, Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126, Telephone: 702–647–5000.

SUPPLEMENTARY INFORMATION: This camping restriction is consistent with BLM policy and is established to assist BLM in reducing the incidence of occupancy trespass under the guise of camping on public lands within the Las Vegas District.

Authority for a camping closure is contained in Title 43 CFR, subpart 8364.1. Violation of this camping closure is punishable by a fine not to exceed $100,000.00 ($200,000.00 if the violator is an organization), imprisonment not to exceed 12 months, or both, as provided for under the Federal Land Policy Management Act (Public Law 94–579) as amended at 18 U.S.C. 3571(b)(5).

Dated: March 9, 1992.

Ben F. Collins,

(District Manager, Las Vegas, NV).

[FR Doc. 92–6252 Filed 3–17–92; 8:45 am]

BILLING CODE 4310–HC–M

National Park Service

Civil War Sites Advisory Commission; Meetings

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting of the Civil War Sites Advisory Commission.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that a meeting of the Civil War Sites Advisory Commission will be held on March 30, 1992, at the Department of the Interior, 18th & C Streets, NW., Washington, DC; in room 8068.

The meeting will begin at 9 a.m. and conclude not later than 4 p.m.

This meeting constitutes the sixth meeting of the Commission. The meeting will focus primarily on discussion of specialized subjects as they relate to preserving and protecting Civil War sites.

Space and facilities to accommodate members of the public may be limited and persons will be accommodated on a

first-come, first-served basis. Anyone may file with the Commission a written statement concerning matters to be discussed.

Persons wishing further information concerning the meeting, such as the specific location of the meeting, or who wish to submit written statements, may contact Ms. Jan Townsend, Interagency Resources Division, P.O. Box 37127, Washington, DC 20013–7127 (telephone 202–343–9549). Draft summary minutes of the meeting will available for public inspection about 8 weeks after the meeting, in room 6111, 1100 L Street, NW., Washington, DC.

Dated: March 11, 1992.

Janet E. Townsend,

Program Manager, Civil War Sites Advisory Commission.

[FR Doc. 92–6241 Filed 3–17–92; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–308 (Final)]

Bulk Ibuprofen From India

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On March 4, 1992, the Commission received a letter from counsel for the petitioner (Ethyl Corporation) withdrawing its petition in the subject investigation, a final investigation instituted by the Commission effective on December 23, 1991, following an affirmative preliminary countervailing duty determination by the Department of Commerce (57 FR 693, January 8, 1992). Pursuant to 19 U.S.C. 1671c(a) and § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the countervailing duty investigation concerning Bulk Ibuprofen from India (Investigation No. 701–TA–308 (Final)) is terminated.

EFFECTIVE DATE: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Diane J. Mazur (202–205–3184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Authority: This investigation is being terminated under authority of section 704(a) of the Tariff Act of 1930. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

Issued: March 12, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6271 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–335]

Certain Dynamic Sequential Gradient Compression Devices and Component Parts Thereof, Import Investigations

Notice is hereby given that the prehearing conference in this matter will commence at 10 a.m. on March 18, 1992, in Courtroom A (room 100), U.S. International Trade Commission Building, 500 E St. SW., Washington, DC, and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register**.

Issued: March 12, 1992.

Sidney Harris,

Administrative Law Judge.

[FR Doc. 92–6272 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 332–320]

Macadamia Nuts: Economic and Competitive Factors Affecting the U.S. Industry

AGENCY: United States International Trade Commission.

ACTION: Scheduling of public hearings.

SUMMARY: Notice is hereby given that the Commission has scheduled two public hearings in connection with this investigation: in Kailua-Kona, Hawaii, at King Kamehameha's Kona Beach Hotel, 75–5660 Palani Road, beginning at 8:30 a.m. on Wednesday, April 22, 1992; and in Washington, DC at the International Trade Commission Building, 500 E Street SW., Washington, DC 20436, beginning at 9:30 a.m. on Tuesday, May 12, 1992. Requests to appear at the public hearing in Kona should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC. 20436, no later than 5:15 p.m. (Eastern Daylight Time) April 8, 1992. Persons testifying at the hearing are encouraged to file prehearing briefs or statements; the deadline for filing such briefs or statements (a signed original and 14 copies) is April 10, 1992; the deadline for filing posthearing briefs or statements is May 29, 1992. Requests to appear at the public hearing in Washington, DC should be filed with the Secretary, Unted States International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than 5:15 p.m. (Eastern Daylight Time) April 28, 1992. The deadline for filing prehearing briefs or statements (a signed original and 14 copies) is May 1, 1992; and the deadline for filing posthearing briefs or statements is May 29, 1992.

Any confidential business information included in such briefs or statements or to be submitted at the hearing must be submitted in accordance with the procedures set forth in § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

All persons having an interest in this matter have the right to appear at the hearing either in person or through counsel, to present information and to be heard. Persons testifying at one hearing need not attend or testify at the other hearing.

Notice of the investigation and of the fact that a public hearing would be held in Washington was published in the **Federal Register** of January 8, 1992 (57 FR 694).

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Edward Carroll (202–205–1819), Office of Public Affairs, or Stephen Burket (202–205–3318) or David Ingersoll (202–205–3309) Agriculture Division, Office of Industries, U.S. International Trade Commission. Hearing-impaired persons may obtain information on this study by contacting the Commission's TDD terminal on 202–205–2648.

Issued: March 11, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6274 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–514 (Final)]

Shop Towels From Bangladesh

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Brunsdale and Commissioner Crawford dissenting. Commissioner Watson not participating.

section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act), that an industry in the United States is materially injured by reason of imports from Bangladesh of shop towels,[3] provided for in subheading 6307.10.20 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective September 12, 1991, following a preliminary determination by the Department of Commerce that imports of shop towels from Bangladesh were being sold at LTFV within the meaning of section 733(b) of the act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 9, 1991 (56 FR 50926). The hearing was held in Washington, DC, on January 30, 1992, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 11, 1992. The views of the Commission are contained in USITC Publication 2487 (March 1992), entitled "Shop Towels from Bangladesh: Determination of the Commission in Investigation No. 731–TA–514 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: March 12, 1992.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6273 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Docket No. 332–323]

Probable Economic Effect of Certain Modifications to the Interpretation and Rules of Origin Applicable to the United States-Canada Free-Trade Agreement

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Lawrence A. DiRicco (telephone 202–205–2606) or Janis L. Summers (202–205–2605) in the Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission, Washington, DC 20436.

SUPPLEMENTARY INFORMATION: Following receipt of a letter from the Office of the United States Trade Representative (USTR) on February 4, 1992, the Commission instituted investigation No. 332–323, Probable Economic Effects of Certain Modifications to the Interpretation and Rules of Origin Applicable to the United States-Canada Free-Trade Agreement, under section 332(g) of the Tariff Act of 1930. USTR has requested that the Commission's report of the results of this investigation be transmitted to it by June 4, 1992.

As requested by USTR, the Commission will provide advice on the probable economic effect of certain modifications to the interpretive guidelines and rules of origin contained in Annex 301.2 to chapter 3 of the United States-Canada Free-Trade Agreement. Under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (CFTA Implementation Act), the President is authorized, after compliance with the provisions of section 103 of that Act, to proclaim modifications to the "Rules" provided for in Annex 301.2. Changes to the "Interpretation" section of Annex 301.2 require conforming amendments to section 202 of the CFTA Implementation Act, which cannot be accomplished by Presidential proclamation.

The amendments and modifications, which have been provisionally agreed to by both countries, are set out below.

1. Proposed modifications to the Interpretation section of Annex 301.2:

A. The following text is to be added as paragraph 2.1:

> 2.1 Further, whenever goods are produced or assembled in the territory of either Party or both Parties exclusively from materials that originate in the territory of either Party or both Parties pursuant to this Agreement, such goods shall be treated as originating and shall not be subject to the changes in tariff classification described by the rules set forth in this Annex, provided that such processing or assembly occurs entirely within the territory of either Party or both Parties, and provided further that such goods have not subsequently undergone any processing or assembly outside the territories of the Parties that improves the goods in condition or advances them in value.

It is the Commission's understanding that proposed interpretative guideline 2.1 is intended to address explicitly the circumstance in which finished goods are assembled from originating components, some of which contain third-country materials and, further, to eliminate confusion as to the appropriate basis for claiming originating status on an exporter's certification.

B. The text of the existing paragraphs 3, 4, and 5 is deleted and replaced by the following:

> 3. Whenever the assembly of goods in the territory of a Party fails to result in a change of tariff classification because:
>
> (a) The goods were imported into the territory of the Party in unassembled or disassembled form and were classified as unassembled or disassembled goods pursuant to General Rule of Interpretation 2(a) of the Harmonized System, or
>
> (b) The tariff subheading for the goods provides for both the goods themselves and their parts, or the tariff heading for the goods provides for both the goods themselves and their parts and is not further subdivided into subheadings, the goods shall nevertheless be considered to have been transformed in the territory of a Party and be treated as originating in the territory of that Party, provided that the value of the materials originating in the territory of either Party or both Parties used or consumed in the production of the goods, plus the direct cost of assembling the goods in the territory of either Party or both Parties, constitute not less than 50 per cent of the value of the goods when exported to the territory of the other Party, and further provided that the goods have not, subsequent to assembly, undergone processing or further assembly in a third country and they meet the requirements of Article 302.
>
> 4. Deleted.
>
> 5. The provisions of paragraph 3 shall not apply to goods of Chapters 61–63 of the Harmonized System.

It is the Commission's understanding that the revisions to interpretive guidelines 3 through 5 are twofold. First, the scope of guideline 3(b) would be expanded to include those situations where an assembly operation fails to effect a change in tariff classification because a non-subdivided 4-digit tariff heading provides for both the goods themselves and their parts. Current guideline 3(b) applies only to the 6-digit subheading level and therefore excludes coverage of 4-digit headings that are not subdivided at the 6-digit level. Second, current guidelines 3 through 5 would be reorganized to better clarify their intent and to align them with administrative practices in the United States and Canada. With respect to guideline 5, chapters 61–63 cover wearing apparel, clothing accessories and other made-up textile articles.

C. The following text is to be added as paragraph 8:

[3] Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. The fabric may be either 100 percent cotton or a blend of materials.

8. Packaging materials and containers in which goods are packaged for retail sale and packing materials and containers in which goods are packed for shipment, and that meet the provisions of General Rule of Interpretation 5(b) of the Harmonized System shall be disregarded in determining the origin of the goods they contain, provided that the origin of the packaging materials and containers in which goods are packaged for retail sale shall not be disregarded for the purpose of determining the value of materials originating in the territory of either Party or both Parties.

It is the Commission's understanding that proposed interpretive guideline 8 is intended to provide specifically for the treatment of third-country packing used to ship goods that are wholly obtained or produced in the United States and/or Canada. At present, the agreement is silent on this question.

2. Proposed modifications to the Rules section of Annex 301.2:

A. The following text is to be added as new rule 1.1 after Rule 1 of Section XV (Section XV covers base metals and articles thereof):

1.1 A change from a parts subheading to a subheading other than a parts subheading; provided that the value of the materials originating in the territory of either Party or both Parties plus the direct cost of processing performed in the territory of either Party or both Parties constitute not less than 50 per cent of the value of the goods when exported to the territory of the other Party.

It is the Commission's understanding that the addition of rule 1.1 is being proposed in order to align the rules governing the treatment of goods of Section XV with those of Sections XVI to XX.

B. Delete the current Rule 10 of Section XV and replace with the following:

10. A change to headings of 7309–7311, 7313–7314, 7316, 7319 or 7321–7326 from any heading other than any of those headings.

Note—current Rule 10 reads as follows:

10. A change to headings of 7309–7326 from any heading outside that group.

It is the Commission's understanding that the proposed modification of rule 10 of Section XV is intended to permit the goods of headings 7309–7311, 7313–7314, 7316, 7319, or 7321–7326 to qualify as originating articles even if they contain third-country iron or steel articles of headings 7312 (stranded wire, ropes and cables), 7315 (chain and parts thereof), 7317 (nails, tacks, and similar articles), 7318 (screws, bolts, nuts, washers, and similar articles) or 7320 (springs). In addition, the Commission was specifically requested, with respect to the modifications to Section XV of the Rules, to analyze the effects of the changes affecting heading 7321 if made retroactive to January 1, 1992. Heading 7321 covers stoves, ranges, grates, cookers, barbecues and similar nonelectric domestic appliances and parts thereof, of iron or steel.

C. Delete the current rule 3 of Section XVI and replace with the following:

3. A change to heading 8407 or 8408 from any other heading; provided that the value of materials originating in the territory of either Party or both Parties plus the direct cost of processing performed in either Party or both Parties constitute not less than 50 percent of the value of the goods when exported to the territory of the other Party.

It is the Commission's understanding that the proposed modification of rule 3 to Section XVI is intended to correct an oversight which excluded diesel or semi-diesel engines of heading 8408 from the rule. Current rule 3 applies only to spark-ignition reciprocating or rotary internal combustion engines included under heading 8407.

D. The following text is to be added as new rule 5.1 after rule 5 of Section XVI (Section XVI covers machinery, mechanical appliances, electrical equipment, and parts of all the foregoing; sound recorders and producers, television image and sound recorders and producers, and parts and accessories of such articles):

5.1 A change to subheading 8471.99 from subheading 8471.93.

Subheading 8471.93 covers storage units for automatic data processing equipment and subheading 8471.99 covers control or adapter units, power supplies and miscellaneous units for incorporation into automatic data processing equipment.

It is the Commission's understanding that proposed rule 5.1 to Section XVI is intended to address an anomaly under the current rules, whereby computer control units which contain a third-country disc drive are not eligible for CFTA treatment despite the fact that the disc drive constitutes only a small fraction of the value of the control unit and that the control unit, absent the disc drive, would otherwise be eligible for CFTA treatment.

WRITTEN SUBMISSIONS: Interested parties (including other Federal agencies) are invited to submit written statements concerning this investigation. Such statements must be submitted by no later than April 9, 1992, in order to be considered by the Commission. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Office of the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on 202–205–1810.

Issued: March 11, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6268 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-No. 22)]

Intrastate Rail Rate Authority; New Mexico

AGENCY: Interstate Commerce Commission.

ACTION: Extension of provisional recertification.

SUMMARY: By decision served March 13, 1990, the Commission granted 180-day provisional recertification for New Mexico, through its State Corporation Commission, to regulate intrastate rail rates, practices, and procedures pending filing of its application for recertification pursuant to State Intrastate Rail Rate Authority, 5 I.C.C.2d 680 (1989). On September 13, 1990, March 18, 1991, and again on September 17, 1991, the Commission extended the provisional recertification for another 180 days. Pursuant to a request from the State, the Commission grants another extension so that New Mexico can complete modifications of its procedures and prepare an application for recertification.

DATES: New Mexico's provisional recertification is extended for 180 days from March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660 (TDD for hearing impaired: (202) 927–5721).

Decided: March 11, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6280 Filed 3-17-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31972]

Southern Electric Railroad Co.; Construction Exemption—Jefferson County, AL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts under 49 U.S.C. 10505, from the prior approval requirements of 49 U.S.C. 10901, the construction by the Southern Electric Railroad Company of approximately one and one-half miles of track between Alabama Power Company's Plant Miller in Jefferson County, AL, and a main line of the Burlington Northern Railroad Company.

DATES: The exemption will not be effective until completion of the Commission's environmental review and a further decision. Petitions for reconsideration must be filed by April 7, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 31972 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: John R. Molm, Esq., Troutman Sanders, Lockerman and Ashmore, 1400 Candler Building, 127 Peachtree Street, NE., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660, (TDD for hearing impaired: (202) 927-5721)).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927-5721.)

Decided: March 10, 1999.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6278 Filed 3-17-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-no. 101X)]

Missouri Pacific Railroad Co.; Abandonment Exemption in Ellis and Hill Counties, TX

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 18.23-mile line of railroad between milepost 813.10, near Italy and milepost 831.33, near Hillsboro, in Ellis and Hill Counties, TX.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 17, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 30, 1992.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 7, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, Missouri Pacific Railroad Company, 1416 Dodge Street, room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses enviornmental or energy impacts, if any, from this abandonment.

The Section of Energy Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 23, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 10, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.

Secretary.

[FR Doc. 92-6279 Filed 3-17-92; 8:45 am]

BILLING CODE 7035-01-M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

Meeting of Commission on Judicial

AGENCY: National Commission on Judicial Discipline and Removal.

ACTION: Public meeting.

SUMMARY: Notice is hereby given in the public interest and pursuant to the Federal Advisory Committee Act that a public meeting of the National Commission on Judicial Discipline and Removal will be held on March 27, 1992, in Washington, DC. The precise location of the meeting will be the Supreme Court of the United States, East Conference Room, 1 First Street, NE., Washington, DC 20543. The public entrance to the building is the North Entrance off of Maryland Avenue NE. The meeting will convenue at 9:30 a.m.

and will adjourn at approximately 4:30 p.m.

AUTHORITY: The meeting will be the second one for the National Commission, a body composed of thirteen members appointed by the Speaker of the House, the President *pro tem* of the Senate, the President, the Chief Justice of the United States and the Conference of Chief Justices. The National Commission, established by Public Law 101–650 (Title IV), is assigned three statutory duties. The first is to investigate and study the problems and issues involved in the tenure (including discipline and removal) of Article III (appointed to serve for life) Federal judges. The second is to evaluate the advisability of proposing alternatives to current arrangements with respect to such problems and issues, including alternatives for the discipline or removal of Federal judges that would require constitutional amendments. Finally, the Commission is required to prepare and submit a report to the Congress, the Chief Justice and the President setting forth a detailed statement of its findings and conclusions together with any recommendations for legislative and administrative actions as are considered appropriate. The Commission is not authorized to consider the factual underpinings of specific complaints against Federal judges.

Ordinarily the provisions of the Federal Advisory Committee Act are not applicable to legislative or judicial agencies. Nonetheless, since the Commission is composed of representatives of all three branches of the Federal Government, good faith attempts will be made to follow the spirit of the law. This good faith commitment to open meetings is incorporated in the Commission's By-laws.

STATUS: The meeting will be open to the public but will be closed to the public for approximately one hour (from 12:30 p.m. until 1:30 p.m.) for a lunch break. No official business will be conducted during that time-period.

MATTERS TO BE CONSIDERED: The Commission will focus its attention on a work plan to be accomplished during its statutory life. Discussion and debate will revolve around a tentative identification of information needs and research projects. In this regard, the Commission will discuss the holding of two days of public hearings in late April and May 1992.

Furthermore, the Commission will consider the recent grant by the Supreme Court of a petition for certiorari in the case a former Federal judge (Walter F. Nixon, Jr) who was impeached and removed from office in 1989. The Commission will anlyze the potential impact that the case might have on the Commssion's schedule and work plan.

Finally, the Commission will receive information from two national organizations—the Twentieth Century Fund and the American Judicature Society—about recently issued or pending studies and reports related to the subject of judicial discipline and accountability.

CONTACT PERSONS FOR FURTHER INFORMATION: Contact Michael J. Remington or Victoria Y. Smith at the National Commission of Judicial Discipline and Removal, suite 690, 2100 Pennsylvania Ave., NW., Washington, DC 20037–3202; (202) 254–8169.

SUPPLEMENTARY INFORMATION: Minutes of the meeting will be available for public inspection during regular working hours at the Commission offices approximately thirty working days following the meeting.

Michael J. Remington,

Director.

[FR Doc. 92–6236 Filed 3–17–92; 8:45 am]

BILLING CODE 6820–DB–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cooperative Agreement for Administration of an State Arts Agency AIE Coordinator Conference

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement to administer a conference of State Arts Agency Arts in Education coordinators, at the same time as the National Assembly of State Arts Agencies annual meeting in Chicago, IL in November 1992. The work will entail assisting with preparing the program and agenda, making conference arrangements, and conducting an evaluation of the conference and preparing recommendations for future conferences. Those interested in receiving the Solicitation package should reference Program Solicitation PS 92–04 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 92–04 is scheduled for release approximately March 31, 1992 with proposals due April 30, 1992.

ADDRESSES: Requests for the Solicitation should be addressed to the National Endowment for the Arts, Contracts Division, room 217, 1100 Pennsylvania Ave., NW., Washington, DC 20506.

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 92–6250 Filed 3–17–92; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72 issued to Florida Power Corporation (FPC) for operation, and FPC, et al. for possession, of Crystal River Unit 3 Nuclear Generating Station, located in Crystal River, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the operating license to delete Sebring Utilities Commission (Sebring) as a participating owner of CR–3 and as a licensee (possession only) under this license, in order to recognize the purchase of Sebring's 0.4473 percent ownership share by FPC. Presently, FPC owns 90% of CR–3, with portions of the remaining 10% owned by 11 municipalities and cooperatives, including Sebring. FPC alone is licensed to operate CR–3. FPC and Sebring have entered into an agreement under which FPC would purchase the 0.4473 percent share owned by Sebring, which would increase FPC's ownership share to 90.4473 percent. Ownership shares of the other 10 participants would not change. The proposed action is in accordance with the licensee's application dated August 16, 1991.

The Need for the Proposed Action

The proposed action is required to reflect the ownership change discussed above. The amendment reflecting the transfer of Sebring's possession-only interest in the license will have minimal impact on the operation of the facility by FPC. The transfer and amendment will not affect the facility's Technical

Specifications, license conditions, or the organization and practices of FPC.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed license amendment and concludes that there will be no changes to CR–3 or the environment as a result of this action. The transfer of Sebring's possession-only interest in the license and the associated license amendment will not affect the numbers, qualifications, or organizational affiliation of the personnel who operate the facility, as FPC will remain the holder of the operating license and continue to be responsible for the operation of CR–3. Accordingly, the Commission concludes that this proposed action would result in no radiological or non-radiological environmental impact.

The Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination was published in the **Federal Register** on February 5, 1992 (57 FR 4487). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in no benefits to the public or the parties involved.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant, issued in May, 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons regarding this environmental assessment.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the license amendment dated August 16, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32029.

Dated at Rockville, Maryland, this 12th day of March 1992.

For the Nuclear Regulatory Commission.

Jan A. Norris,

Acting Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6260 Filed 3–17–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published February 24, 1992 (57 FR 6337). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public. The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1992 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Thermal Hydraulic Phenomena

March 26, 1992, Bethesda, MD. The subcommittee will review the General Electric Company's (GE's) generic program supporting power level increases for operating GE Boiling Water Reactor nuclear power plants.

Planning and Procedures

March 27, 1992, Bethesda, MD. The Subcommittee will discuss proposed reassignment of responsibilities for review of NRC research activities to cognizant topical Subcommittees and preliminary plans to address ACRS assignments made during the meeting with NRC Commissioners on March 5, 1992. Qualifications of candidates nominated for appointment to the ACRS will also be discussed, as appropriate.

Plant Operations

April 1, 1992, Bethesda, MD. The Subcommittee will continue its review of the NRC staff's evaluation of risk from shutdown and low-power operations at U.S. commercial nuclear power plants as well as the associated activities of the nuclear industry.

Planning and Procedures

April 1, 1992, Bethesda, MED, 3 p.m.–5:30 p.m. The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed, as appropriate.

Joint Individual Plant Examinations/ Severe Accidents

April 21, 1992, Bethesda, MD. The Subcommittees will discuss the status of the Individual Plant Examination (IPE) program and the development of Severe Accident Management Guidelines.

Joint Computers in Nuclear Power Plant Operations/Instrumentation and Control Systems

May 5, 1992, Bethesda, MD. The Subcommittees will discuss digital instrumentation and control system designs and practices at foreign plants and the international computer activities.

Planning and Procedures

May 6, 1992, Bethesda, MD, 9 a.m.–12:00 Noon. The Subcommittee will discuss proposed ACRS activities and related matters.

Regional Programs

May 20 1992, NRC Region V Office, Walnut Creek, CA. The Subcommittee will discuss the activities of the NRC Region V Office.

Thermal Hydraulic Phenomena

Date to be determined (April/May), Bethesda, MD. The Subcommittee will continue its review of the NRC staff program to address the issue of interfacing systems LOCAs.

Severe Accidents

Date to be determined (April/May), Bethesda, MD. The Subcommittee will review the revision to NUREG–1365, Severe Accident Research Program Plan.

Joint Materials and Metallurgy/ Advanced Reactor Designs

Date to be determined (May), San Jose, CA. The Subcommittees will discuss the application of the high temperature structural materials in the Advanced Liquid-Metal Reactor (ALMR).

Advanced Pressurized Water Reactors

Date to be determined (May/June), Bethesda, MD. The subcommittee will continue its review of the ABB CE System 80+ Design Certification. Topics being proposed for discussion include Engineered Safety Feature Systems and incorporation of the requirements resulting from the resolution of USIs and GSIs into the System 80+ design.

Joint Thermal Hydraulic Phenomena/ Core Performance

Date to be determined (June/July, tentative), Bethesda, MD. The Subcommittees will continue the review of the issues pertaining to BWR core power stability.

Decay Heat Removal Systems

Date to be determined (July, tentative), Bethesda, MD. The Subcommittee will review the proposed final resolution of Generic Safety Issue 23, "Reactor Coolant Pump Seal Failures."

Thermal Hydraulic Phenomena

Date to be determined, Bethesda, MD. The Subcommittee will review the status of the application of the Code Scaling, Applicability, and Uncertainty (CSAU) Evaluation Methodology to a small-break LOCA calculation for a B&W plant.

ACRS Full Committee Meetings

384th ACRS Meeting

April 2–4, 1992, Bethesda, MD. Items are tentatively scheduled.

*A. GE Advanced Boiling Water Reactor

Discuss proposed ACRS report regarding the Draft Safety Evaluation Reports for this reactor plant design.

B. Policy Issues for the Certification of Advanced Nuclear Power Plants

Review and comment on technical policy issues identified by the NRC staff for advanced (LWR) nuclear power plants including evolutionary and passive designs. Representatives of the NRC staff and the nuclear industry will participate in this session, as appropriate.

C. Assessment of Risks from Lower Power and Shutdown Operations of Nuclear Power Plants

Review and comment on NRC evaluation of risks from shutdown/low-power operations of U.S. nuclear power plants (NUREG–1449). Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

*D. Proposed Power Level Increase for Operating GE BWR Plants

Review and report on GE topical reports which justify a proposed power level increase for operating GE boiling water reactor plants. Representatives of the NRC staff and the GE Company will participate, as appropriate.

E. Update and Development of NRC Standard Review Plans

Briefing and discussion regarding the NRC staff's effort to revise and update its Standard Review Plan to accommodate the review of future plants. Representatives of the NRC staff will participate in this session, as appropriate.

F. Meeting with Director, NRC Office of Nuclear Reactor Regulation

Discuss items of mutal interest with the Director of the NRC Office of Nuclear Reactor Regulation. Members of his staff will participate, as appropriate.

G. Proposed Plan for Implementation of the NRC Safety Goal Policy

Discuss proposed ACRS report on an alternative plan to implement the NRC Safety Goal Policy.

H. Use of Probabilistic Risk Assessment in the Regulatory Process

Briefing and disucssion regarding the status of activities of the NRC inter-office working group to develop guidance on consistent and applicable methods to be applied in the use of probabilistic risk assessment. Representatives of the NRC staff will participate, as appropriate.

I. Special Review of NRC Regulations

Briefing and discussion regarding the scope and status of a special review to determine if NRC regulations can be eliminated or revised to reduce the regulatory burden without any reduction of the protection of public health and safety. Representatives of the NRC staff will participate.

J. ACRS Subcommittee Activities

Hear and discuss reports of cognizant Subcommittees regarding the status of assigned duties. This will include consideration of ASME risk-based inspection procedures and plans for ACRS activities to deal with matters requested by the Commission.

*K. Recent Operating Experience and Events

Briefing and discussion regarding recent operating transients and incidents at nuclear power plants and related facilities.

L. ACRS Future Activities

Discuss anticipated subcommittee activities and items proposed for consideration by the full Committee.

*M. Appointment of ACRS Members

Discuss qualifications of candidates nominated for appointment to the Committee.

N. Miscellaneous

Discuss topics related to the conduct of ACRS activities and specific issues that were not completed during previous meeting as time and availability of information permit.

385th ACRS Meeting

May 6 (1 p.m.), 7–9 (8:30 a.m.), 1992, Bethesda, MD—Agenda to be announced.

386th ACRS Meeting

June 4–6, 1992, Bethesda, MD—Agenda to be announted.

ACNW Full Committee and Working Group Meetings

42nd ACNW Meeting

April 23–24, 1992, Bethesda, MD. Items are tentatively scheduled.

A. Periodic meeting with NRC Commissioners to discuss topics of mutual interest.

B. Discussion of the Pathfinder Nuclear Power Plant decommissioning, including lessons learned and residual levels of contamination. Also, briefing and discussion regarding the status of decommissioning plans at Rancho Seco, Ft. St. Vrain, and Shoreham Nuclear Power Stations.

C. Review an Expedited rulemaking effort concerning on-site storage of low-level waste.

D Prepare the next four month plan of ACNW activities for the Commission's information.

E. Continue efforts to investigate the feasibility of a systems analysis approach to reviewing the overall high-level waste program.

F. Briefing on the adoption by EPA of a revised Hazard Ranking system for use in assessing the threat associated with the release or potential release of hazardous chemicals and/or radioactive materials into the environment.

G. Briefing on the NRC staff's review of the DOE reports on the Exploratory Studies Facility Alternatives Study.

H. Hear an update on the status of the low-level radioactive waste state compacts.

I. Briefing by Louisiana Energy Services on their private uranium enrichment facility plans.

J. Review a Technical Position on Alternate Concentration Limits for Uranium Mill Tailings Sites.

K. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

ACNW Working Group on the Impact of Long-Range Climate change in the Area of the Southern Basin and Range,

May 27, 1992, Bethesda, MD. The Working Group will discuss the historical evidence and the potential for climate changes in the Southern Basin and Range and the impact of climate changes on the performance of the proposed high-level waste repository at Yucca mountain.

43rd ACNW Meeting

May 28–29, 1992, Bethesda, MD—Agenda to be announced.

ACNW Working Group on Inadvertent Human Intrusion Related to the Presence of Natural Resources at a High-Level Site

July 29, 1992, Bethesda, MD. The Working Group will discuss methodologies for the assessment of the potential for natural resources at the proposed high-level waste repository site at Yucca Mountain. The relationship between such resources and the potential for human intrusion will be emphasized.

Dated: March 12, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92–6261 Filed 3–17–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 1, 1992, room P–422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss the qualifications of candidates nominated for appointment to the ACRS. This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

The agenda for the subject meeting shall be as follows:

Wednesday, April 1, 1992—3 p.m. Until 5:30 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for consideration as ACRS members will also be discussed, as appropriate.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492–4516) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 11, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–6262 Filed 3–17–92; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 24, 1992 through March 6, 1992. The last biweekly notice was published on March 4, 1992 (57 FR 7806).

Notice of Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not

normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 17, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests

for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, Maricopa County, Arizona

Date of amendment requests: December 30, 1991

Description of amendment requests: This request changes the containment purge supply and exhaust valve ACTION statements to be consistent with other containment system action requirements. Specifically, the proposed ACTION statements will require PVNGS to be in HOT STANDBY, as the first stage of plant shutdown, in lieu of the existing requirement to be in HOT SHUTDOWN in six hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis about the issue of no significant hazards consideration, which is presented below:

Standard 1: Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not affect the probability or consequences of an accident previously evaluated because the plant being in either HOT SHUTDOWN or HOT STANDBY, as the first stage of plant shutdown, has no impact on the assumptions made in the limiting accident analyses, Steam Line Break (15.1.5) and Large Break LOCA (15.6.5). The plant being at 0...[percent] power (HOT STANDBY) would result in no increase in the probability of occurrence of the events.

Standard 2: Create the possibility of a new or different kind of accident from any accident previously evaluated.

The first stage of plant shutdown to comply with a LCO has no effect on the type of accident to which the plant could be exposed. Both HOT SHUTDOWN and HOT STANDBY are plant modes for which the facility has been analyzed; therefore, no new or different kind of accident from any previously evaluated will be created. 1*Standard 3:* Involve a significant reduction in a margin of safety.

The proposed change from HOT SHUTDOWN to HOT STANDBY as the first stage of plant shutdown for the ACTION statements for Specification 3.6.1.7 will increase the margin of safety by reducing the potential for accelerated plant cooldowns to HOT SHUTDOWN, consistent with the other PVNGS Containment System Action statements.

Therefore, the proposed change will not reduce the margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on that review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999

NRC Project Director: Theodore R. Quay

Baltimore Gas and Electric Company, Docket No. 50-317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: February 6, 1992

Brief description of amendment: The proposed amendment would revise the Technical Specifications (TS) for Unit 1 to provide new heatup and cooldown curves which allow operation beyond 12 effective full power years (EFPY). The Power Operated Relief Valve (PORV) setpoints have also been revised, and the Minimum Pressure and Temperature (MPT) enable temperature has been increased to 355 ° F to provide low temperature overpressure protection (LTOP) for an allowable fluence corresponding to approximately 22 EFPY based on the current core loading pattern. The temperature at which the high pressure safety injection (HPSI) pumps are placed under manual control during a reactor cooldown has been increased to 375 ° F due to the higher MPT temperature. To accommodate the lower 10 CFR Part 50, Appendix G, pressure limits associated with the new curves, the maximum allowed HPSI pump flow rate has been reduced from 210 gpm to 200 gpm when used to add mass to the Reactor Coolant System (RCS). The criterion for the reactor to be shutdown for 8 hours or longer before a reactor coolant pump (RCP) is started has been removed from the bases, since it is no longer required.

The initial indicated RCS pressure for starting an RCP has been increased to 300 psia. The Adjusted Reference Temperature (ART) for the 1/4 T and 3/4 T positions in the bases changed to 253.7 ° F and 193.8 ° F, respectively.

The proposed TS changes would specifically change the following:

1. Heatup and Cooldown Curves and Rates

a. Change TS Limiting Condition for Operation (LCO) 3.4.9.1.a, maximum allowable heatup rates and corresponding RCS temperatures as follows:

Maximum Allowable Heatup Rates	RCS Temperature
30 ° F in any hour period	70 ° F to 164 ° F
40 ° F in any hour period	164 ° F to 328 ° F
10 ° F in any hour period	328 ° F to 355 ° F
60 ° F in any hour period	355 ° F (greater than)

b. Change Technical Specification LCO 3.4.9.1.b, maximum allowable cooldown rates and corresponding RCS temperatures.

Maximum Allowable Cooldown Rates	RCS Temperature
100 ° F in any one hour period.	254 ° F (greater than)
20 ° F in any one hour period.	254 ° F to 184 ° F
10 ° F in any one hour period.	184 ° F (less than)

c. Replace TS Figures 3.4-2a and 3.4-2b, RCS Pressure-Temperature (P-T) Limits with new figures. The revised curves and rates are based on a fluence of 3.25×10^{19} n/cm² (E greater than 1mev), which corresponds to approximately 22 EFPY based on the current core loading pattern. The revisions to the curves also made it necessary to revise the ART for 1/4 T position and 3/4 T position in the bases. The ART for 1/4 T position has been changed from 222 ° F to 253.7 ° F and the ART for 3/4 T position has been changed from 162.5 ° F to 193.8 ° F.

2. LTOP Controls

a. Change TS 3.4.9.3a.1 and 2 from "lift setting less than or equal to 430 psia" to "trip setpoint of less than or equal to 429 psia." Bases 3/4.4.9 has been changed to explain the new terminology used to describe the PORV setpoint.

b. The MPT enable temperature has been changed from 327 ° F to 355 ° F. The TS that are affected by this change are 3.1.2.1, 3.1.2.3, Table 3.3.3, 3.4.1.2, 3.4.1.3, 3.4.9.3, 4.5.2, 3.5.3, Bases 3/4.4.1, Bases 3/4.4.9, and Bases 3/4.5.2.

c. Due to higher MPT enable temperature, the transition region at which the HPSI pumps are placed under manual control on cooldown and

restored to automatic status on heatup has been changed from 327 ° F - 350 ° F to 355 ° F - 375 ° F. This affects Technical Specification 3.5.3 and Table 3.3-3.

d. The allowable HPSI pump flow rate has been changed from "less than or equal to 210 gpm" to "less than or equal to 200 gpm" when used to add mass to the RCS. This affects TS 3.4.9.3, B3/4.4.9 and B3/4.5.2.

3. RCP Start Criteria

a. Change the RCP start controls for pressurizer pressure in footnote (***) to the applicability section of TS 3.4.1.3 and in footnote (**) to the applicability section of TS 3.4.1.2 from less than or equal to 290 psia to less than or equal to 300 psia.

b. Remove the criteria for reactor shutdown of 8 hours or longer prior to RCP start from the Bases.

4. Technical Specification Bases

Revise TS Bases 3/4.4.1, Coolant Loops and Coolant Circulation, and Bases 3/4.4.9, Pressure/Temperature Limits, and Bases 3/4.5.2, ECCS Subsystem, to be consistent with the above changes.

5. Clarification

Add TS LCO 3.4.9.3.e to say, "When not in use, the above operable high pressure safety injection pump shall have its handswitch in pull-to- lock." at least once per 12 hours."

Change TS Bases B3/4.9 to remove the discussion of temperature instrument uncertainty for the minimum boltup temperature. The margin between the calculated minimum boltup temperature of -10 ° F and the conservative administrative limit of 70 ° F ensures that plant operation is consistent with the safety analysis for minimum boltup temperature. It has also been clarified that the administrative limit of 70 ° F for minimum boltup temperature is the minimum allowable reactor vessel temperature at which the reactor vessel head can be attached in order to comply with the 10 CFR Part 50, Appendix G, limits.

Changes TS Bases B3/4.4.9 to replace the discussion of a figure that was developed to show the calculated RCS pressure versus time with a more descriptive discussion. That discussion addresses the mass addition transient, which is the basis for the PORV setpoint.

Basis for proposed no significant hazards consideration determination. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The existing Unit 1 12 Effective Full Power Years (EFPY) Pressure Temperature (P-T) limits were conservatively developed in accordance with the fracture toughness requirements of 10 CFR Part 50, Appendix G, as supplemented by the American Society of Mechanical Engineers (ASME) Boiler and Presser Vessel Code Section III, Appendix G. The reactor vessel material Adjusted RT_{NDT} values are based on the conservative methodology provided in Regulatory Guide 1.99, Revision 2. Because of increased fluence from 12 EFPY to approximately 22 EFPY based on the current core loading pattern, this amendment changes the P-T limit calculations that are the basis for the existing heatup and cooldown curves. The proposed heatup and cooldown curves and associated limits continue to provide conservative administrative restrictions on reactor coolant system pressure to minimize material stresses in the Reactor Coolant System (RCS) due to normal operating transients, thus minimizing the likelihood of a rapidly propagating fracture due to pressure transients at low temperature. Because these proposed heatup and cooldown curves and rates are based on new P-T limits that were conservatively developed using the same methods as the existing curves, this proposed amendment does not involve an increase in the probability or consequences of accidents previously evaluated.

Consistent with the selection of proposed heatup and cooldown curves and rates, the low temperature overpressure protection (LTOP) controls are being changed by decreasing the Power Operated Relief Valve (PORV) trip setpoint. The increase in vessel fluence require that the Minimum Pressure and Temperature (MPT) enable temperature be increased. The new PORV trip setpoint is based on protecting against exceeding the most restrictive pressure of both the heatup and cooldown curves; i.e., a 10° F per hour cooldown at 70° F RCS temperature. Since the basis for the selection of the PORV setpoint has not changed, the PORV will provide the same degree of protection in mitigating postulated LTOP transients with the new setting as that provided by the present LTOP system. Therefore, this change does not increase the probability or consequences of accidents previously evaluated.

As a result of the higher MPT enable temperature, the transition region at which the high pressure safety injection (HPSI) pumps are placed under manual control on cooldown and restored to automatic status on heatup has been changed to 355° F - 375° F. Analysis performed indicates that adequate Loss of Coolant Accident (LOCA) protection below 375° F is provided by the Safety Injection Tanks to allow operator action to manually start a HPSI pump, if required. Therefore, this change does not increase the probability or consequences of accidents previously evaluated.

The proposed heatup and cooldown rates, the decreased PORV trip setpoint, and increased MPT enable temperature continue to provide margin to accommodate postulated pressurization from mass and energy addition transients. Calculations have been performed that predict the response to such transients. From these calculations, the Reactor Coolant Pump (RCP) start criteria has been revised. The revised criteria will permit a slightly higher initial pressure for RCP starts (two RCPs starting simultaneously) and will remove the eight-hour reactor shutdown criteria for RCP restart. Also, a lower HPSI pump throttle flow limit has been selected that will continue to protect the Appendix G pressure limit during a mass addition transient. Adding the requirement to ensure the operable HPSI pump s handswitch will be placed in pull-to-lock when not in use is only a clarification and does not change the intent of the specification. Because of the results of the analyses remain well within the conservative acceptance limits of 10 CFR [Part] 50 Appendix G, these changes do not increase the probability or consequences of accidents previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed changes to LTOP controls do not represent a significant change in the configuration or operation of the plant. Specifically, no new hardware is being added to the plant as part of the proposed change, no existing equipment is being modified, nor are any significantly different types of operations being introduced. Therefore, the proposed amendment would not create the possibility of a new or different kind of accident from those previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

This change will ensure that the margin of safety is maintained with respect to energy addition or mass addition events in that there are no postulated events that could challenge the Appendix G limit. Utilizing the analytical margins for a planned RCP start does not significantly reduce the margin of safety. The proposed increase in the allowable fluence at the reactor vessel wall necessitated the changes to the heatup and cooldown curves and rates, the PORV trip setpoint, MPT enable temperature, HPSI pump flow limit, and HPSI pump manual control temperature. These changes ensure that the margin of safety is maintained by protecting the Appendix G limits for all postulated transients. Therefore, the proposed changes would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: Calvert County Library, Prince Frederick, Maryland 20678.

Attorney for Licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: February 13, 1992

Description of amendments request: The proposed amendments would revise the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Technical Specifications (TS) and associated TS Bases. The specific TS changes are to TS 3/4.1.1.1, 3/4.1.1.2, 3/4.1.3.1, 3/4.1.3.5, and TS Bases 3/4.1.3. These TS govern reactivity control systems and the proposed changes provide clarification and simplification for the above TS relating to the control element assemblies (CEAs). The changes would: (1) provide a clarification of the terminology for a CEA which is not available for reactivity insertion during a reactor trip in TS 4.1.1.1.1.a, 4.1.1.2.a, 3.1.3.1 and TS Bases 3/4 1.3; (2) clarify the applicability of TS 3/4.1.1.2 specification; (3) provide clarification of the appropriate actions to be applied for inoperable and misaligned (CEAs) in TS 3.1.3.1 and 3.1.3.5; (4) remove an unnecessary portion of an action statement that implies that an unavailable, automatic mode of CEA operation is acceptable in TS 3.1.3.1.b.2; and (5) provide other minor administrative corrections and clarifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) would not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change involves only clarification of the current requirements for control element assemblies (CEAs) which are inoperable or misaligned within the constraints of current safety analyses. A stuck or misaligned CEA is not assumed as the initiator of any accidents previously evaluated. However, a stuck CEA is considered in the mitigation assumptions of previously evaluated accidents. The clarifications would not allow more than previously accepted misalignment or inoperability of the CEAs and, therefore, do not involve a significant increase in the consequences of any previously evaluated accident.

(2) would not create the possibility of a new or different type of accident from any accident previously evaluated.

The safety analyses consider rod ejection, loss of coolant, loss of flow, and other sudden loss of negative reactivity events. However, there are no changes in design or operation of the plant as a result of this change, and the changes would provide no opportunity for creating new or different initiators of the previously analyzed accidents. This change provides only a clarification to prevent misinterpretation of the requirements for inoperable or misaligned CEAs. Therefore, there is no possibility of a new or different type of accident.

(3) would not involve a significant reduction in a margin of safety.

The margin of safety of these Specifications is assured by maintaining the availability of negative reactivity for insertion to provide the shutdown margin assumed in the safety analyses. These clarifications would continue to assure that the necessary negative reactivity is available in the form of trippable CEAs.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois;

Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: November 6, 1987, as supplemented on February 8, 1991, January 13 and February 6, 1992.

Description of amendments request: The proposed change will revise Technical Specification Tables 3.3-6 and 4.3-3 to designate the radiation monitors assigned to each train of control room ventilation (VC). Also, action statement 27 on page 3/4 3-41 will be revised to allow the option of running an operational VC train when less than the minimum number of monitors in the opposite VC train are inoperable. Additionally, Cycle 1 specific reliefs that are no longer applicable will be removed from pages 3/4 3-41 and -42 for Byron and pages 3/4 3-39, -41 and -42 for Braidwood. The January 13 and February 6, 1992, submittals partially supersede the previous submittals published on March 20, 1991 (56 FR 11775).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not result in a significant increase in the probability or consequence of accidents previously evaluated. The radiation monitors are designed to provide a response to a radiological incident. The operability of these monitors does not factor into the sequence of events required for a radiological release to the atmosphere to occur. They serve to initiate action to prevent a release from unacceptably impacting the Control Room; they do not prevent a release from occurring.

The subject radiation monitors function to isolate the Control Room Ventilation System (VC) outside air intakes in the event of a high radiation condition. Each train of the VC system is provided with redundant radiation monitors. Only one train of VC is operated at a time. The proposed change would allow the operation of a train of VC with a full complement of radiation monitors in the normal configuration. Assuming a limiting scenario of the plant operating with degraded monitoring on the idle VC train with the occurrence of radioactive release and subsequent failure of the running train, the idle train could be started. The train would still have a single radiation monitor available or already be aligned in the emergency mode per system design. If the initiating event resulted in a Safety Injection signal, the ventilation system would automatically align to the post-accident mode. This provides a diverse means of providing radiological protection for the Control Room. The proposed change does not alter the manner in which the actuation signal is provided, nor does it have an impact on the response of the VC system to a valid actuation signal.

The proposed change does not create the possibility for a new or different kind of accident from any accident previously evaluated. The proposed change does not introduce any new or different equipment, and it will not result in installed equipment being operated in a new or different manner. The change will allow the operation of a fully operable train of VC, rather than require that a train with degraded monitoring be operated in its post-accident configuration. The monitors are designed to fail in a safe condition, so required system configuration or operation are not precluded.

The proposed change does not involve a significant reduction in a margin of safety. The proposed change allow[s] the operation of a VC train with full radiation monitoring capability. In the event there is one monitor per train inoperable, the change does not render the plant vulnerable to a single failure which would result in the overexposure of control room personnel. Additionally, the Control Room is equipped with Area Radiation Monitors which provide an alarm upon detection of a high radiation condition. As such, sufficient means will remain available to ensure that the VC system is capable of being both automatically and manually aligned to provide for the mitigation of radiological events.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: January 21, 1992

Description of amendments request: This amendment request proposes to add additional setpoint requirements to the Technical Specification (TS) for the refueling mast loaded interlock and overload interlock setpoints. This addition is due to the station's plans to install a new refueling mast. The original refueling mast setpoints will remain in the TS because the original refueling mast for Unit 2 will be maintained as a backup.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated because:

As discussed in [the Updated Final Safety Analysis Report] UFSAR Section 15.7.4, a fuel handling accident (FHA) is postulated to occur as a consequence of a failure of the fuel assembly lifting mechanism resulting in the dropping of a raised fuel assembly onto other fuel bundles in the core. The accident which produces the largest number of failed spent fuel rods (including consideration of the drop of a fuel bundle onto the Unit 2 consolidated fuel storage pool) is the drop of a spent fuel bundle onto the reactor core when the vessel head is off. This accident is expected to occur with the frequency of a limiting fault.

This proposed change does not result in a change to any of the assumptions of the postulated FHA. The added weight of the NF500 mast is the only design change of safety significance. The refueling platform fuel hoist incorporates redundant lifting features (dual cables) so that no single component failure will result in a fuel bundle drop. The design of the grapple is not being changed as a result of this proposed change. The NF500 mast is similar in design and function to the presently installed triangular mast and meets or exceeds the design in all other aspects. There are no changes being made to interlocks on the platform which prevent unsafe operation over the reactor vessel during control rod movements, limit travel of the fuel grapple, and interlock grapple hook engagement with hoist power.

NUREG-0612, "Control of Heavy Loads of Nuclear Power Plants," was reviewed and is not applicable to the installation of the NF500 mast because the NUREG defines a Heavy Load as: 'Any load, carried in a given area after a plant becomes operational, that weighs more than the combined weight of a single spent fuel assembly and its associated handling tool for the specific plant in question." Therefore, the NF500 mast is bounded by the FHA analysis.

The proposed fuel hoist overload cutoff setpoint ensures that excessive lifting forces are not applied to the top guide or fuel assemblies. The proposed fuel hoist loaded setpoint ensures that the associated fuel hoist loaded interlocks are initiated when the weight of a channeled fuel bundle is applied to the grapple.

Further, the maximum height from which a fuel bundle could be dropped remains unchanged as does the minimum required water level above stored irradiated fuel. The postulated number of fuel rod failures due to a bundle drop with the increased weight of a NF500 mast analyzed by General Electric is 116 rods. This is bounded by the postulated failure of 125 rods in the current UFSAR analysis. The radiological release for the FHA with the NF500 mast as calculated by current approved methods is less than the release documented in the UFSAR. Therefore, this proposed change will not increase the probability or consequences of any accident previously evaluated.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated because:

No new failure modes will be introduced as a result of this proposed change. The NF500 mast is similar in design and function to the currently installed mast and meets or exceeds all of the other design aspects so as not to introduce a new failure mode. The proposed fuel hoist overload cutoff setpoint ensures that excessive lifting force is not applied to the top guide or fuel assemblies. The proposed fuel hoist loaded setpoint ensures that the associated fuel hoist loaded interlocks are initiated when the weight of a channeled fuel assembly is applied to the grapple. Therefore, this proposed change does not create a new or different kind of accident from any accident previously evaluated.

3) Involve a significant reduction in the margin of safety because:

The fuel hoist setpoints serve no safety function. These setpoints serve to prevent damage to reactor internals such as caused by a stuck fuel bundle. The setpoints are also designed to prevent the loading of fuel assemblies during core alterations when all control rods are not fully inserted. The proposed change in the fuel hoist overload cutoff and fuel hoist loaded interlock setpoints solely account for the increased weight of the NF500 mast. These setpoints provide approximately the same margin as the setpoints for the current triangular fuel mast (762E974). The proposed fuel hoist overload cutoff setpoint for the NF500 mast of 1600 +100/-0 pounds ensures that excessive lifting force is not applied to the top guide or fuel assemblies. The proposed fuel hoist loaded interlock setpoint of 700 +50/-0 pounds for the NF500 mast ensures that the associated hoist loaded interlocks are initiated when the weight of a channeled fuel assembly is applied to the grapple. The refueling platform mast design is not discussed in the bases of the Technical Specifications 3/4.9.6.

As a result, there is no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: January 30, 1992

Description of amendment request: The licensee has proposed to amend the Technical Specifications to clarify the limiting conditions for operation and monitoring frequency for a severe hurricane condition in the vicinity of Indian Point Unit No. 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with the requirements of 10 CFR 50.92, the proposed technical specification changes are deemed to involve no significant hazards consideration because operation of Indian Point Unit No. 2 (IP-2) in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated, since the unit is required to be in the same shutdown status prior to arrival of winds on-site with sufficient intensity to threaten plant structures. The original IP-2 Hurricane Technical Specification requirement was requested by NRC as a result of its review of

the IPSSS [IPPSS, Indian Point Probabilistic Safety Study] and was issued as *Amendment No.* 83 to the IP-2 Operating License on December 23, 1982. The original basis and intent of the issued Safety Evaluation with *Amendment No.* 83 are not degraded by the changes proposed in the enclosed application, since under both *Amendment No.* 83 and the proposed specification, plant shutdown is required prior to arrival of sustained surface winds exceeding 87 knots on site. Furthermore, the proposed specification would avoid possible unnecessary cycling of the plant which might occur under the present specification in instances where there is essentially no probability that hurricane sustained surface winds exceeding 87 knots will impact the site. The proposed technical specification change would continue to require a prompt report in the event of a hurricane and action to ensure that the plant is in a cold shutdown condition prior to arrival on site of hurricane sustained surface winds in excess of 87 knots. Therefore, these changes cannot increase the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated for the same reasons described in Item (1), although safety may be enhanced to some extent by the avoidance of unnecessary cycling of the unit, and

(3) Involve a significant reduction in a margin of safety. The safety-related aspects of the existing Technical Specification text and that [the] proposed one remain the same, inasmuch as the plant must be in a cold shutdown condition prior to arrival of sustained surface winds exceeding 87 knots on site. The margin of safety is actually increased somewhat since unnecessary cycling of the plant will likely be precluded. Adherence to the existing technical specification resulted in such cycling on Sept. 27, 1985 and Aug. 19, 1991 for Hurricanes Gloria and Bob, respectively, when sustained surface winds at the site were no stronger than 15 MPH.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Robert A Capra

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: February 6, 1992

Description of amendment request: The licensee has requested an amendment to the Technical Specifications that would increase the maximum fuel enrichment limit to 5.0 w/o U-235. This change will provide the capability for extended fuel cycles.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In applying the standards of 10 CFR 50.92, we have concluded that the proposed Technical Specification change would not involve a significant hazards consideration based on the answers to the following questions:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

Neither the probability nor the consequences of an accident previously analyzed is increased due to the proposed change.

The proposed change is based on conservative analyses which show that, taking credit for the use of IFBAs [Integral Fuel Burnable Absorbers] for fuel with enrichments above 4.5 w/o and up to 5.0 w/o will enable this type of fuel to be stored in the new fuel racks while meeting the design criteria of K_{eff} less than 0.95 for fully loaded racks flooded with nonborated water at a density of 1 gm/cc (68° F) and K_{eff} [less than or equal to] 0.98 assuming low density optimum moderation. The spent fuel racks have already been approved to accept a 5.0 w/o fuel.

The enrichment of the reload fuel is used in the Reload Safety Evaluation which is performed for each fuel cycle to evaluate the use of new fuel in the reactor. The maximum fuel enrichment used in the reload would be limited to 5.0 w/o when this amendment is approved.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Responses:

The higher fuel enrichment limit for the new fuel rack will not create the possibility of a new or different kind of accident. The new fuel storage rake [rack] will meet the required criticality design criteria of K_{eff} [less than] 0.95 for fully loaded racks flooded with nonborated water at a density of 1 gm/cc (68° F) and K_{eff} [less than or equal to] 0.98 assuming low density optimum moderation. The spent fuel racks are already approved for 5.0 w/o. The reload Safety Evaluation will use a maximum of 5.0 w/o.

3. Does the proposed license amendment involve a significant reduction in the margin of safety?

Response:

The proposed amendment does not involve a significant reduction in the margin of safety. The new fuel racks will meet the required subcriticality of K_{eff} [less than] 0.95 for fully loaded racks flooded with nonborated water at a density of 1/gm/cc (68° F) and K_{eff} [less than or equal to] 0.98 assuming low density optimum moderation. For fuel above 4.5 w/o and up to 5.0 w/o IFBAs will be used to ensure this subcriticality.

The Spent Fuel Storage racks have already been approved for 5.0 w/o. The Reload Safety Evaluation will use a maximum of 5.0 w/o.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: February 3, 1992

Description of amendment request: The proposed amendment to the Technical Specifications (TS) would delete a surveillance requirement in Table 4.1.1, Footnote (4). Footnote (4) which verifies the low flow trip set point for non-operating pump combinations will no longer be appropriate due to modifications being made to the Reactor Protection System (RPS) during the upcoming refueling outage. Additionally, Section 2.0 of the TS, "Safety Limits and Limiting Safety Limits Settings", would be administratively revised to enhance clarity and consistency with other sections of the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The deleted surveillance requirement serves only to verify the proper adjustment of

an alternate set of Low Flow setpoint potentiometers which could currently be selected by repositioning the Flow Setpoint Selector Switch. These alternate setpoint potentiometers are no longer used. Prior to implementation of the requested Technical Specifications change, modifications to the Reactor Protective System will have removed both the switch and the alternate setpoint potentiometers. Therefore, the subject surveillance will no longer be useful.

Verification testing of the Low Flow Trip setpoint for the operating pump combination will continue to be accomplished on a monthly interval, as is done with current practice. If the setpoint must be adjusted due to changing the number of operating Primary Coolant Pumps, the setpoint would be verified as part of the adjustment process, as it would be with current practice. Deletion of the subject surveillance requirement will have no effect on the frequency of, or procedure for, verifying the Low Flow Trip setpoints. The subject surveillance requirement affects no other parameters.

The administrative changes do not affect plant operation in any way.

Therefore, the proposed changes do not involve a significant increase [in] the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The first proposed change deletes a surveillance requirement which verifies the correct setting of equipment which, since it is no longer used, will be removed from the plant. This change would not alter the operating conditions of the plant systems, and would not reduce the reliability of any plant equipment.

The second proposed change, administrative changes to the Safety Limits and Limiting Safety System Settings section, does not affect plant operation in any way.

Therefore, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The first proposed change deletes a surveillance requirement which verifies the correct setting of equipment which, since it is no longer used, will be removed from the plant. This change would not affect the setpoints, capacities, or operating limits for any required equipment.

The second proposed change, administrative changes to the Safety Limits and Limiting Safety System Settings section, does not affect plant operation in any way.

Therefore, the proposed changes do not involve a significant reduction [in] a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: L. B. Marsh.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: September 24, 1991 and as supplemented January 31, 1992

Description of amendment request: Detroit Edison Company (DECo or the liscensee) is requesting an amendment to the Fermi-2 Technical Specifications (TS) to increase the licensed power level approximately 4.2% from 3293 MWt to 3430 MWt. This will result in an increase of steam flow to approximately 105% of the current operating limit, but will require no changes to the basic fuel design and fuel operating limits such as maximum average planar linear heat generation rate (MAPLHGR) or minimum critical power ratio (MCPR) will still be met at the uprated power level. The means for achieving higher power is to expand the power/flow map by increasing core flow along existing flow control lines and thereby increasing slightly reactor vessel dome pressure. However, there will not be an increase in the maximum recirculation flow limit over the pre-uprate value.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Will the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Uprated power operation is achieved primarily by increasing core flow slightly along existing flow control lines to achieve a five percent increase in the steamflow to the turbine/generator. The maximum allowable reactor recirculation flowrate remains unchanged. The increased flowrate is well within the capabilities of the feedwater system which supplies the additional feedwater needed due to the increased steamflow. A slight increase in reactor pressure maintains turbine control valve controllability at the increased steamflows. Safety relief valve and power, pressure, and flow related instrumentation trip setpoints are increased slightly to accommodate uprated power operation and to maintain approximately the same level of trip avoidance and safety system challenges as before uprated power operation.

The plant is operated in the same manner at uprated power as it is at the currently licensed power level. That is the methods and sequences of operation are unchanged. Emergency operating procedure steps remain the same with only minor changes to timing required. Since the level of trip avoidance and safety system challenges remains approximately the same, the frequency of operational responses to those events is not increased. Reactor fuel operating limits designed to protect the fuel cladding are maintained and provide the same level of protection as before uprated power operation. Fuel reload analyses performed subsequent to power uprate will continue to meet current acceptance criteria. Operation at 3430 MWt is consistent with the original plant design capability and thus will not significantly increase any failure probabilities. All of the original equipment design or regulatory criteria established for plant equipment (ASME code, IEEE standards, NEMA standards, etc.) are still imposed and met for operation at the uprated power level. Furthermore, a review of the plant's individual plant examination (IPE) which uses probabilistic risk analysis (PRA) methods determined that the IPE would be minimally affected. A comprehensive review was performed on the effects of increased power and pressure conditions on the reactor vessel and internals, reactor connected piping, balance of plant piping, primary containment, and related systems and components. These reviews and associated analyses show continued compliance with the original design and licensing criteria.

The consequences of the spectrum of hypothetical accidents and transients have also been investigated and meet the same regulatory criteria after uprate as before uprate. Selected original plant transients that were run at rated power plus 2% were rerun at uprated power plus 2% with no change in consequence (i.e., no fuel failure). Sufficient operating limit minimum critical power ratio will be maintained to ensure that the safety limit minimum critical power ratio is not exceeded during uprated power operation thus providing the same level of protection as previously provided. All of the analyses with postulated radiological consequences and the overpressurization analysis were originally performed using 3430 MWt and were reviewed by the NRC. The overpressurization analysis was reperformed at uprated power plus 2% uncertainty using the increased operating dome pressure and safety relief valve setpoints. At uprated conditions a slightly higher peak reactor vessel pressure results, but remains well below the 1375 psig ASME code limit.

The radiological consequences of several design basis accidents including the DBA/LOCA and main steam line break (MSLB) accidents were recalculated at 3430 MWt plus 2% uncertainty or 3499 MWt. When compared on a consistent basis, calculated offsite doses increase proportionately to reactor power since the radiological source term is directly proportional to reactor power and since the meteorology factors remain the same. Because the original analyses were performed at 3430 MWt, power uprate analyses would show an increased dose rate of 2% due to the additional 2% uncertainty factor, when compared on a consistent basis. The recalculated doses for Fermi 2 are not comparable to previous calculations since the NRC approved methodology and assumptions used have undergone revision. The new radiological calculations, however, remain

well within the [10 CFR Part 100] limitations. These calculations would be 2% higher than the original calculations due to the addition of the 2% uncertainty factor if the original calculations had been performed on the same basis as the new (improved) calculations. The 2% increase in dose associated with the uncertainty factor does not constitute a significant increase in the consequences of an accident.

Thus, the increase in power level discussed herein and associated Technical Specification changes do not significantly increase the probability (frequency of occurrence) or consequences of an accident previously evaluated.

(2) Will the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The full spectrum of accident considerations defined in Regulatory Guide 1.70 has been reviewed and no new or different kind of accident has been identified. Power uprate uses already developed technology and applies it within the capabilities of existing plant equipment in accordance with presently existing regulatory criteria including NRC-approved codes, standards, and methods. GE has designed BWRs of higher power levels than the uprated power of any of the currently operating BWRs, and no new power dependent accidents have been identified. In addition, Fermi 2 was originally designed to the proposed uprated steam flow (105%) and all of the accident analyses with postulated radiological consequences were performed at that condition. The plant systems have been assessed and have been verified to be adequately designed and capable of performing their design intent at uprated operating conditions. Only minor changes to plant systems are required to effect uprated power operation. Also, as discussed in the response to question 1 above, methods of plant operation at uprated power are virtually the same as before power uprate. Since there are no significant changes to the plant equipment or methods and sequences of operation, no new accident scenarios are created. Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Will the change involve a significant reduction in a margin of safety?

The plant was originally designed for operation at 3430 MWt. As previously discussed, no change is required in fuel design or safety limits. The MAPLHGR limit remains the same. The operating limit MCPR is increased appropriately to ensure that the same safety margin is maintained. Only minor changes to plant equipment are required to accommodate power uprate and the methods and sequences of operation are essentially unchanged. The entire plant design has been reviewed to ensure that plant equipment will perform properly and will still meet original design and licensing criteria. Although, as discussed herein, some analyses produce results somewhat closer to the related acceptance criteria, results remain within those criteria. The safety margins prescribed by the Code of Federal Regulations have been maintained by meeting the appropriate regulatory criteria. Similarly, the margins provided by the application of the ASME design acceptance criteria have been maintained where applicable, as well as other margin-assuring acceptance criteria used to judge the acceptability of the plant. Several accident and transient analyses have been reperformed at uprated plant operating conditions consistent with the requested Technical Specification changes with the most significant ones discussed below.

All of the accidents with postulated radiological consequences and the overpressurization analysis were originally performed at 3430 MWt. The overpressurization analysis was reperformed at uprated power plus 2% uncertainty using the increased operating dome pressure and safety relief valve setpoints. At uprated conditions a slightly higher peak reactor vessel pressure results, but remains well below the 1375 psig ASME code limit. The radiological doses of several design basis accidents including the DBA/LOCA and MSLB accidents were recalculated at 3430 MWt plus 2% uncertainty factor added for conservatism. When compared on a consistent basis, calculated offsite doses increase proportionately to reactor power since the radiological source term is directly proportional to reactor power and since the meteorology factors remain the same. Because the original analyses were performed at 3430 MWt, power uprate analyses would show an increased dose rate of 2% due to the additional 2% uncertainty factor when compared on a consistent basis. The recalculated doses are not comparable on a consistent basis to previous calculations since the NRC-approved methodology and assumptions used have undergone revision. However, it has been demonstrated that the recalculated doses remain well within the acceptance criteria of [10 CFR Part 100]. Dose calculations would be 2% higher than the original calculations due to the addition of the 2% uncertainty factor if the original calculations had been performed on the same basis as the new (improved) calculations. The 2% increase in dose associated with the uncertainty factor does not constitute a significant reduction in the margin of safety.

As previously discussed, in each case the relevant acceptance criteria is met which preserves the margin of safety provided by these criteria. It is therefore concluded that the requested changes do not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh.

Duke Power Company, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: January 2, 1992, as revised February 14, 1992

Description of amendment request: This amendment reflects a reorganization of the Duke Power Company (DPC). The reorganization essentially decentralizes the corporate management of nuclear activities to each of DPC's three nuclear site facilities, including the Oconee Site. The revisions to the Technical Specifications (TS) also reflect and are complementary to revisions to the DPC Quality Assurance Topical Report. The review of this report, based upon the guidance of Standard Review Plan 17.3 as issued in August 1990, is being addressed as a separate action from the revision of the TS.

The proposed changes throughout TS Section 6.0, "Administrative Controls," reflect the creation of several new positions and the retitling of other positions. Previously, the Vice President of Nuclear Production oversaw activities at all three DPC nuclear facilities (Catawba 1 and 2, McGuire 1 and 2, and Oconee 1, 2, and 3). The reorganization now places a Vice President at each site, including the Vice President of the Oconee Nuclear Site. The Senior Corporate Nuclear Executive will be the Senior Vice President-Nuclear Generation Department for all three nuclear sites.

The Vice President of Nuclear Production is now titled Vice President Oconee Nuclear Site. Other position title changes include: health physics to radiation protection; station to site; facility to plant; auxiliary operators to non-licensed operators; Superintendent of Operations to Operations Superintendent; operating engineer to shift operations manager; shift technical advisor to shift manager; Oconee Safety Review Group (OSRG) to Safety Review Group (SRG); Manager, Station Training Services to Training Manager; and changes to TS 6.1.1.4, 6.1.2.1.a and c to reflect the revised position titles for the Operations Superintendent, the Mechanical Superintendent, the I and E Superintendent and the Work Control Superintendent; etc.

Certain functions, for example, in TS 6.1.2.1.d, .f, .g, .j, and .k; 6.2.1; and 6.2.2, have been reassigned to the newly created positions of Vice President-Oconee Site or Manager, Safety Assurance.

Certain functions, for example, in TS 6.1.3.2, 6.1.3.4.g, and 6.1.3.5, have been

reassigned from the former position of Vice President-Nuclear Production to the Executive Vice President-Power Generation or to the Senior Vice President-Nuclear Generation Department.

Other changes, for example, in TS 6.1.2.1.h and .i, and 6.1.3.4 are made to reflect the DPC's revisions of its Quality Assurance (QA) Topical Report in accordance with the guidance in Standard Review Plan (SRP) Section 17.3, "Quality Assurance Program Description," that was issued in August 1990. SRP 17.3 provides guidance for the licensee to put a performance-oriented quality assurance program into place. The NRC staff's review of the DPC QA Topical Report is being addressed as a separate review activity from the specific amendments to the Administrative Controls section of the TS.

Other revisions have been made to TS 6.1.3.2 for the Nuclear Safety Review Board regarding the composition and member qualifications required for these groups.

Other miscellaneous changes in titles, terms, and footnotes are made throughout TS 6.0 to reflect the major changes discussed above.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendments would not involve a significant increase in the probability or consequences of a previously evaluated accident. Nor would they create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not have any impact upon the design or operation of plant equipment; therefore, they cannot serve to initiate a new type of accident.

The proposed amendments would not involve a reduction in a margin of safety. The changes would not impact the design or operation of any plant systems or components.

Based upon the preceding analysis, Duke Power Company concludes that the proposed amendments do not involve a Significant Hazards Consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: February 25, 1992

Description of amendment request: By letter L-91-275, dated November 22, 1991, Florida Power and Light Company informed the NRC of its reactor trip and transient reduction efforts through specific Technical Specification changes. As part of that effort, the proposed license amendments would increase the safety of St. Lucie, Units 1 and 2 by reducing the probability of unnecessary automatic reactor trips caused by turbine trips. These turbine trips occur during the transfer from 15% feedwater bypass valves to main feedwater regulating valves near 15% power. By increasing the trip enable setpoint to 25%, a turbine trip may occur, but a reactor trip is spared.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

It has been determined that the operation of St. Lucie Units 1 and 2 with the proposed change does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The accidents in the [Final Safety Analysis Report (FSAR)] have been reviewed in terms of a possible increase in their probability of occurrence due to the proposed change. The event of relevance here is a small break [loss-of-coolant accident (LOCA)] resulting from a stuck-open [power operated relief valve (PORV)]. A turbine trip without reactor trip at 25% power, which could lead to PORV opening, has been analyzed with the most limiting single failure criterion applicable to ... St. Lucie Units 1 and 2: failure of pressurizer spray. The results of the analysis demonstrate that PORV opening does not occur if the Steam Bypass Control System (SBCS) is available. Therefore, the probability of occurrence of a [s]mall [b]reak LOCA (SBLOCA) is not affected by the proposed change. The scenario in which the SBCS is not available has also been analyzed, with the conclusion that the probability of occurrence of a SBLOCA is not increased by the proposed setpoint change.

The proposed change will not increase the consequences of an accident previously evaluated, since this change only impacts the power range between 15% and 25% where no previously evaluated transient is determined to be limiting.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change only affects plant operation in the range of [power] between 15% and 25%. Outside this range, the plant will continue to operate as before and its safe operation is demonstrated by the analyses included in the FSAR. Within the affected power range, that is between 15% to 25%, no new accident will occur simply due to the proposed setpoint change.

3. Involve a significant reduction in the margin of safety.

The results of the analyses show that implementation of the proposed change does not involve a significant reduction in the margin of safety. The plant continues to operate as before for all power ranges except in the range between 15% and 25% where the reactor trip on turbine trip inhibit feature is extended. Within this range, the effects of the proposed change on the existent safety margins are well within the acceptance criteria for safe operation of the plant.

Based on its compliance with 10 CFR 50.92 criteria, it is concluded that the proposed change meets the requirements for a no significant hazard consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: February 5, 1992

Description of amendment request: Gulf States Utilities is requesting a change to River Bend Station (RBS) Technical Specification 4.5.1 to clarify the Automatic Depressurization System (ADS) operability by the addition of the minimum ADS accumulator air supply header pressure during normal plant operations. An explanation of the basis for this minimum pressure will also be added to the associated Bases section.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change would not create the probability or the consequences of an accident previously evaluated because:

An additional surveillance requirement is proposed for Technical Specification 3/4.5.1, "ECCS-Operating," and addition of the required minimum ADS accumulator supply header pressure is proposed. This change will have no effect upon the probability of accidents assumed in the safety analysis report because no plant structures, systems, or components which could affect failure assumptions are to be added or deleted. Thus, no additional single failures which could significantly increase the probability of an accident previously analyzed in the RBS safety analysis report will result from this change. Consequences of any accidents previously analyzed will not be affected because this change will not affect the severity or release paths of any accident described in the safety analysis report. Therefore, no significant increase in the probability or the consequences of an accident previously evaluated results from these proposed Technical Specification changes.

2. The proposed change would not create the possibility of a new or different kind of accident from any previously evaluated because:

As stated above, no structures, systems, or components are to be added or deleted by this change. Thus, the possibility of additional single failures resulting in a new or different kind of accident is not introduced [as] a result of this change. This change provides an additional surveillance requirement to confirm ADS operability with respect to the ADS accumulator air supply pressure during normal plant operations. Therefore, this change is administrative change only and will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change would not involve a significant reduction in the margin of safety because:

As stated in the RBS [Updated Safety Analysis Report] USAR Section 5.2.2.4.1, one ADS actuation at 70 percent of drywell design pressure is sufficient to depressurize the reactor and allow inventory makeup by the low pressure emergency core cooling systems. But for conservatism, the accumulators are sized to provide 2 actuations at 70 percent of drywell design pressure or 4 to 5 actuations at atmospheric pressure. No changes are made to these bases by the proposed amendment, but this change further defines the minimum ADS accumulator pressure at which these criteria are satisfied. Therefore, these proposed changes will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Attorney for licensee: Mark Wetterhahn, Esq., Bishop, Cook, Purcell and Reynolds, 1401 L Street, N.W., Washington, D.C. 20005

NRC Project Director: Suzanne C. Black

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 23, 1991

Description of amendment request: The proposed amendment would make changes to the Technical Specifications in accordance with the guidance provided in Generic Letter 91-01. The change consists of removing TS Table 4.4-5 providing the schedule for reactor vessel material specimen withdrawal.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because:

The removal of the specimen withdrawal schedule from the Technical Specifications is administrative in nature since changes to this schedule are controlled by the requirements of 10 CFR 50, Appendix H and the specimen withdrawal schedule table in the Technical Specifications is a duplicate of the Appendix H requirements.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated because:

The removal of the specimen withdrawal schedule from the Technical Specifications is administrative in nature since changes to this schedule are controlled by the requirements of 10 CFR 50, Appendix H and the specimen withdrawal schedule table in the Technical Specifications is a duplicate of the Appendix H requirements.

3. The proposed change does not involve a significant reduction in the margin of safety because:

The removal of the specimen withdrawal schedule from the Technical Specifications is administrative in nature since changes to this schedule are controlled by the requirements of 10 CFR 50, Appendix H and the specimen withdrawal schedule table in the Technical Specifications is a duplicate of the Appendix H requirements.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: Suzanne C. Black

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: December 23, 1991

Description of amendment request: The proposed amendment would modify the Clinton Power Station license and Technical Specification 3.6.1.2, "Primary Containment Leakage." If approved the amendment would reflect an exemption to 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," for the Reactor Core Isolation Cooling vacuum breaks line.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. This request does not involve a change in the plant design. Failure of or leakage through a containment barrier cannot create an accident and therefore this request does note increase the probability of any accident previously evaluated. Failure of or leakage through containment barrier can, however, increase the consequences of those accidents previously evaluated. This request involves a reduction in the local leak rate testing requirements for one containment penetration. The line associated with this penetration is nominally three inches in diameter. In addition, this line normally only contains air at approximately containment pressure and temperature, and thus is not subjected to degradation due to severe thermal or hydraulic transients. As a result, IP has concluded that the noted potential leakage pathways would not degrade significantly between the performance of ILRTs. Therefore, the potential leakage associated with these pathways would not significantly contribute to exceeding the leakage limit or significantly impact system

operation. The performance of local leak testing with a soap solution during each ILRT will provide added assurance that these potential leakage pathways do not contribute significantly to the leakage measured during the ILRT and provide additional indication of the need for repairs. In additions, leakage through any of these potential leakage pathways would be processed by the standby gas treatment system prior to release to the environment. Therefore, this request does not involve a significant increase in the probability or the consequences of any accident previously evaluated.

2. This request does not involve a change to the plant design. In addition, leakage through a containment barrier cannot create an accident. As a result, this request cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The only margin of safety that could potentially be impacted by this request is the margin concerning the offsite does consequences of postulated accidents (which is directly related to the containment leak rate). As discussed under item (1) above, this request does not result in a significant increase in the consequences of any accident previously evaluated. The performance of local leak testing of the subject potential leakage pathways with a soap solution during each ILRT will provide added assurance that these potential leakage pathways do not contribute significantly to the leakage measured during the ILRT and provide additional indication of the need for repairs. As a result, this request does not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: February 18, 1992

Description of amendment request: The amendment would revise the Technical Specifications setpoints for isolation of the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems on a high steam flow condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed setpoints continue to be conservative with respect to the 300 [percent] flow Analytic Limit. Increasing the setpoints to the proposed values will, however, provide additional margin above the transient flow rates that can occur during system startup that are not indicative of a break in the system. This will prevent unwanted system isolations and increase the probability that HPCI and RCIC will be available to provide their design function.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The HPCI and RCIC system isolation functions will continue to provide protection as originally intended. Since the proposed changes only affect the setpoints for those isolations, the possibility of a new or different kind of accident is not created.

3. The proposed amendment will not involve any reduction in a margin of safety as defined in the Technical Specifications or the UFSAR. The HPCI and RCIC system isolation functions will continue to provide protection as originally intended. The proposed changes to the isolation setpoints will prevent inadvertent isolations during system startup and therefore increase the probability that HPCI and RCIC will be available to provide their design function. Consequently, there is no reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: John N. Hannon.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: January 30, 1992

Description of amendment request: The proposed amendment would change the Technical Specification by deleting the surveillance requirement (Section 4.5.2.C.1) associated with the Shutdown Cooling System (SDCS) autoclosure interlock (ACI) concurrent with the deletion of ACI circuitry planned for the next refueling outage. In addition the proposed change would add a surveillance requirement that would verify the operation of the open permissible interlock (OPI) that prevents opening of the SDCS suction valves when the reactor coolant pressure is greater than 300 psia.

Basis for proposed no significant hazards consideration determination. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The removal of the SDCS ACI was evaluated generically in CE NSPD-550 in terms of the frequency of an [interfacing system loss-of-coolant accident] ISLOCA, the availability of the SDCS, and the effect on overpressure transients. This generic evaluation has been supplemented by the plant-specific submittal (Attachment 2 [of January 30, 1992 submittal]) for Millstone Unit No. 2. There is a negligible change in the calculated probability of an ISLOCA event associated with ACI removal. The evaluation demonstrates that removing ACI, and replacing it with a valve position alarm, will reduce the number of spurious closures of suction valves and thus increase the availability of SDCS. The present LTOP system will remain available per Technical Specification 3.4.9.3 to mitigate a pressure transient. The proposed change related to testing of existing OPI has no impact on the design basis accidents. Therefore, the proposed changes would not increase the consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously evaluated. The effect of an overpressure transient at cold shutdown conditions will not be altered by removal of the ACI function. The ACI is intended to ensure that the low-pressure piping of the SDCS is properly isolated from the RCS pressure during start-up operations, it does not protect against hardware failure. The valve position alarm will warn against both operator error and hardware failure.

While it is true that the ACI initiates an autoclosure of the SDCS suction valves on high RCS pressure, overpressure protection of the SDCS is provided by the SDCS relief valve and not by slow- acting suction valves that isolate the SDCS from the RCS.

The possibility of a loss of SDCS is reduced by the proposed change because the potential of the SDCS isolation valves being closed by a spurious signal will be eliminated. No other failures are introduced by ACI removal. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety. The SDCS ACI function is not a consideration in a margin of safety for

any Technical Specification. However, since the evaluation of CE NSPD-550 and the Millstone Unit No. 2 plant-specific evaluation indicates that the availability of the SDCS is increased with removal of ACI, implementation of the modification (addition of a control room alarm) and procedural changes will produce an increase in overall safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: January 31, 1992

Description of amendment request: The proposed amendment would change the Technical Specification Tables 3.3-6 and 4.3-3 and the Bases Section 3/4.3.3.1 to delete the inference that the spent fuel pool area radiation monitors are required for criticality monitoring.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant hazards consideration because the change would not:

1 Involve a significant increase in the probability or consequences of an accident previously analyzed. The proposed change clarifies the safety function of the spent fuel pool area radiation monitors by deleting the wording that termed these monitors as criticality monitors in Tables 3.3-6 and 4.3-3 and Bases Section 3/4.3.3.1. There are no design basis accidents adversely affected due to the change.

2. Create the possibility of a new or different kind of accident from any previously analyzed. Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created.

3. Involve a significant reduction in a margin of safety. Since the change does not affect the consequences of any accident previously analyzed, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: February 14, 1992

Description of amendment request: The proposed amendment would approve three changes to the Appendix A Technical Specifications (TS). The first change involves revising the Reactor Protection System TS to eliminate the main steam line (MSL) high radiation scram and isolation functions. The second change involves revising the requirements for the Intermediate Range Monitor (IRM) scram instrument functional test to clarify that the test is only required to be performed prior to each startup. The third change involves revising the description of the Average Power Range Monitor (APRM) scram trip function in the Bases section in order to clarify when bypasses are permissible.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

(1) Does not involve a significant increase in the probability or consequences of an accident previously analyzed.

(2) Does not create the possibility of a new or different kind of accident from any accident previously analyzed or evaluated.

(3) Does not involve a significant reduction in a margin of safety.

Change 1: Eliminate the MSL high radiation scram and isolation functions.

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The MSL high radiation signal is not an input in any Monticello Design Basis Accident (DBA) analyses, therefore, elimination of this signal will not increase the probability or consequences of such accidents. Similarly, the MSL high radiation vessel isolation function is unnecessary. The isolation function was provided for the purpose of mitigating a control rod drop accident. However, an analysis by the BWR Owner's Group demonstrates that it is of little benefit in this regard. The isolation feature in no way prevents the accident from occurring, therefore, its elimination will not increase the probability of an accident. The analysis concludes that, even without the isolation, calculated radiological release rates for a control rod drop accident are only a small fraction of 10 CFR Part 100 guidelines and are well within the criteria established by Standard Review Plan (SRP) Section 15.4.9. Details of the analysis mentioned above are discussed in NEDO-31400 "Safety Evaluation for Eliminating the Boiling Water Reactor Main Steam Line Isolation Valve Closure Function and Scram Function of the Main Steam Line Radiation Monitor." NEDO-31400 has been reviewed by the staff and it has been confirmed that Monticello is bounded by the assumptions and conclusions of the analysis with the following exception:

The analysis for the Control Rod Drop Accident without main steam line isolation valve (MSLIV) closure assumes that the augmented off-gas treatment system incorporates a charcoal bed of sufficient size to remove essentially all of the iodine that could be transported to the condenser. This assumption is not valid for Monticello because the Monticello augmented off-gas treatment system uses charcoal filters considerably smaller than those described in NEDO-31400. In order to assess this difference, off-site doses were projected using the Monticello MIDAS computer program, which is also utilized for emergency off-site dose projections and routine release calculations. No credit was taken for the charcoal filters installed at the off-gas compressor suction filters, since they could not accommodate the amount of iodine released in a control rod drop accident. In addition, due to their location in the system, the charcoal filters are bypassed when the storage tanks are bypassed. Two projections were run assuming an elevated (plant off-gas stack) release, stability class F conditions and a wind speed of 0.5 mph. The source term from NEDO-31400, Table 2 was deemed appropriate for this analysis and was used in both cases.

The Monticello off-gas system is designed to provide a minimum 50-hour delay time for main condenser off-gas, with several hundred hours of hold-up typically achieved. The first projection was run simulating 198 hours of decay time, as would normally be available with compressed off-gas system in operation. The second projection was run assuming zero off-gas delay time, which is conservative because the minimum delay time would be 2 hours even with the off-gas system storage tanks bypassed and assuming maximum (28 scfm) condenser in-leakage. In both cases, the resulting off-site dose projections where determined to be insignificant relative to 10 CFR Part 100 guidelines.

The existing MSL and condenser off-gas radiation monitoring instrumentation will remain installed to provide information and alarms to plant operators. In the event either or both of these monitors alarm, the reactor coolant will be promptly sampled to determine possible contamination levels. Other automatic off-gas system functions, such as isolation of the recombiner system upon a steam jet air ejector high radiation signal (30 minute built-in delay) or isolation of the off-gas system (15 minute built-in delay) if the recombiners are bypassed and termination of releases from the stack upon Wide Range Gas Monitor high radiation signal, remain unaffected by this modification. These isolations provide assurance that 10 CFR Part 20 limits are not exceeded. Based on the above discussion, it is concluded that there will be no significant increase in the consequences of a control rod drop accident were one to occur.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The MSL high radiation scram and vessel isolation functions were originally intended to mitigate, not prevent an existing accident scenario. Elimination of these functions will not introduce a new or different accident scenario. The proposed amendment represents a change to the physical configuration of the plant in that some Reactor Protection System circuits will be modified to eliminate the MSL high radiation scram and vessel isolation signals. However, these changes are minor and will not affect the remaining scram or vessel isolation functions. In all other respects, plant design and operation remain unchanged. Therefore, the proposed amendment will not create the possibility of any new or different kind of accident from any previously analyzed.

c. The proposed amendment will not involve a significant reduction in a margin of safety.

The proposed amendment will result in a net improvement in a margin of safety, since the analysis of NEDO-31400 concludes that the core damage frequency is reduced 0.3% due to a reduction in transient initiating events.

Based on the discussion above, it is concluded that the proposed change concerning elimination of the MSL high radiation scram and MSL high radiation vessel isolation signal do not involve significant hazards consideration.

Change 2: Clarification of Intermediate Range Monitor Scram Instrumentation Functional Test Requirements.

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The TS already identify the Intermediate Range Monitor scram instrumentation as "Group C," thereby recognizing that a practical test of the Intermediate Range Monitor scram and alarm function can only be performed while the plant is shutdown. The proposed amendment clarifies, but does not change, the intent of the TS and eliminates an inconsistency.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment represents an administrative change to the TS and will not involve any changes to equipment or operating procedures. It is, therefore, concluded that the change will not introduce the possibility of a new or different kind of accident than previously analyzed.

c. The proposed amendment will not involve a significant reduction in a margin of safety.

The performance and reliability of the Intermediate Range Monitor instrument scram function will not be reduced since Reactor Protection System capabilities will continue to be demonstrated in a manner meeting the original intent of the TS.

Based on the licensee's analysis, the proposed changes involving the Intermediate Range Monitor scram functional test do not involve a significant hazards consideration.

Change 3: Clarification of Bases Section Discussion of Permissible Average Power Range Monitor Bypasses.

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The TS and the Updated Safety Analysis Report (USAR) both discuss that an extra Average Power Range Monitor is installed in each of the Reactor Protection System primary channels to permit bypassing of one Average Power Range Monitor in each primary channel. Both documents state that the Average Power Range Monitor trip feature of the Reactor Protection System is fully functional provided both subchannels serving each primary channel are operable. As designed, the level of redundancy required by the Technical Specification and, therefore, the level of protection assumed by an accident analysis is maintained when one Average Power Range Monitor in each primary channel is bypassed. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously analyzed.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed change is limited to clarification of statements in the Technical Specification 3.1 Bases Section. The proposed amendment does not involve any change to the physical configuration of the plant nor will plant operating procedures be affected. It is, therefore, concluded that the proposed amendment will not create the possibility of any new or different kind of accident than previously analyzed.

c. The proposed amendment will not involve a significant reduction in a margin of safety.

The proposed amendment will have no impact on the margin of safety since the design, function, and operation of the Reactor Protection System are unchanged, as are the Limiting Conditions for Operation and surveillance requirements currently specified in the TS. A probabilistic analysis was performed to verify that the benefits of continuous operation with one Average Power Range Monitor per primary channel in bypass outweighed any increase in risk. The analysis concluded that the slight increase in risk caused by reducing redundancy in the Average Power Range Monitor scram function was more than compensated for by the reduction in risk associated with avoidance of spurious scrams which could occur if all six monitors were in service. Although the net result is a reduction in core damage frequency, it should be noted that in both cases the risk was very small (less than 1×10^{-7}/year). It is therefore concluded that a net improvement in the margin of safety results from the practice of routinely bypassing one Average Power Range Monitor per Reactor Protection System channel.

Based on the analysis above, it is concluded that the proposed change

regarding clarifications to the Technical Specification Section 3.1 Basis do not involve a significant hazards consideration.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Attorney for licensee: Gerald Charnoff, Esq. Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: L. B. Marsh.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 12, 1992

Description of amendment request: The proposed amendment would revise Technical Specifications 5.5 and 5.8 to reflect the implementation of a Qualified Review (QR) Program for the review and approval of new procedures, and changes thereto at Fort Calhoun Station.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change to the Fort Calhoun Station Technical Specifications, which reflect implementation of a QR Program, does not constitute a Significant Hazards Consideration. In support of this conclusion, an evaluation of each of the three standards as set forth in 10 CFR 50.92 is provided below.

1 Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is administrative in nature and provides for (1) procedural reviews through the use of qualified personnel designated by the PRC [Plant Review Committee] Chairman and (2) procedural approval through the use of Managers/Supervisors designated by the Manager-Fort Calhoun Station, as authorized by Administrative Controls Standing Orders upon their development and approval. As part of this program, the QR will be required to consider, document, and implement necessary cross-discipline review prior to approval. The program will be controlled by Administrative Controls Standing Orders which will be reviewed by the PRC and approved by the Manager-Fort Calhoun Station. The PRC will continue to review new procedures, and changes thereto for which an unreviewed safety question determination (i.e., 10 CFR 50.59 safety evaluation) is required to be performed. Implementing the proposed administrative change will not decrease the safety review function currently performed by the PRC. The proposed change requires review of any new procedure and procedure change by a qualified individual (other than the preparer) who is knowledgeable in the functional area affected. The proposed change does not affect any plant hardware, plant design, limiting safety system settings, or plant systems, and therefore, does not alter or add any initiating parameters that would cause a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed Technical Specifications change will implement a procedural review and approval process and is strictly administrative in nature. The QR Program will be controlled by Administrative Controls Standing Orders. These Standing Orders will be reviewed by the PRC and approved by the Manager-Fort Calhoun Station. The PRC will continue to review those new procedures and changes thereto for which an unreviewed safety question determination (i.e., 10 CFR 50.59) is required to be performed. Therefore, the proposed administrative change does not reduce the safety review function performed by the PRC. The proposed changes to setpoints, or operating parameters. There are no potential initiating events that would result in the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed change is administrative in nature and is limited to (1) the transfer of procedure review responsibilities to designated Qualified Reviewers and (2) the transfer of procedure approval responsibilities to designated Managers/Supervisors. The PRC will continue to review and the Manager-Fort Calhoun Station will continue to approve those new procedures and changes thereto concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728

NRC Project Director: John T. Larkins

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 13, 1992

Description of amendment request: The proposed amendment would revise Technical Specification 2.6, "Containment System," and the definition of Containment Integrity to reflect the Combustion Engineering Standard Technical Specifications 3/4.6.1.1 and 3/4.6.1.3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve significant hazards consideration because operation of Fort Calhoun Station Unit No. 1 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are based upon the definition and requirements of the Combustion Engineering Standard Technical Specifications for containment integrity and air locks. The current definition of containment integrity contained within the Fort Calhoun Technical Specifications requires that only one door of the Personnel Air Lock be operable; therefore, the proposed change to the definition is more restrictive than current requirements. Adoption of the requirements of Standard Specification 3.6.1.1 implements a one hour allowed outage time for containment integrity. As stated in draft NUREG 1432, the one hour completion time provides a period of time to correct a problem commensurate with the importance of maintaining containment integrity, while ensuring that the probability of an accident occuring during these periods is minimal. The addition of valves IA-3092, IA-3093, and IA-3094 to the Type C Leak Rate Testing ensures that these valves will be tested and meet acceptable leak rate criteria. Therefore, these proposed changes do not involve a significant increase in the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any previously analyzed.

It has been determined that no new or different kind of accident will be created due to the proposed changes. The proposed changes implement the requirements of CE Standard Technical Specifications for containment integrity, which is commensurate with the importance of containment integrity, but is sufficient to avoid unnecessary challenges to plant equipment. The proposed changes would not modify the operation of any plant equipment other than to place additional restrictions on the operability of the PAL. The addition of valves IA-3092, IA-3093, and IA-3094 to the Type C Leak Rate Testing ensures that these valves will be tested and meet acceptable

leak rate criteria. Therefore, the proposed changes do not create the possiblity of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in a margin of safety.

The proposed changes would not modify the acceptance criteria for allowed leakage from containment or the Personnel Air Lock, nor would the proposed changes modify the operation of plant equipment, therefore the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728

NRC Project Director: John T. Larkins

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: March 5, 1992

Description of amendment request: The proposed amendment would revise Technical Specification 5.9.5, "Core Operating Limits Report," to incorporate the latest NRC-approved revisions to core reload topical reports.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve significant hazards considerations because operation of Fort Calhoun Station Unit No. 1 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative in nature in that the revisions to the topical reports for conducting reload analyses have been previously reviewed and approved by the NRC in Safety Evaluation Reports dated March 2, 1992. The proposed changes merely incorporate a reference to these approved revisions into the Technical Specifications. Therefore these proposed changes do not involve a significant increase in the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any previously analyzed.

It has been determined that no new or different kind of accident will be created due to the proposed changes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in a margin of safety.

The proposed changes merely incorporate a reference to NRC approved methodologies for conducting core reload and accident analyses, therefore the proposed changes do not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728

NRC Project Director: John T. Larkins

Philadelphia Electric Company, Docket No. 50-353, Limerick Generating Station, Unit 2, Montgomery County Pennsylvania

Date of amendment request: March 3, 1992

Description of amendment request: The amendment would revise the Technical Specifications (TS) to extend the allowed outage time for the Emergency Core Cooling Systems supported by the "B" loop of the Emergency Service Water (ESW) system. This change would only be in effect during the Spring 1992 refueling outage of Limerick, Unit 1, and would allow for continued operation of Limerick, Unit 2, while repairs and modifications are made on the "B" loop of ESW.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed one-time TS change does not increase the consequences of an accident from any previously evaluated. The accidents that were considered are the full range of LOCAs [Loss of Coolant Accident] with and without a concurrent LOOP [Loss of Offsite Power]. Unit 2 will remain in operation during the repair on the "B" loop of ESW. Unit 1 will not be operating at this time but will be in a refueling outage and will be maintained in compliance with appropriate TS requirements.

The inoperability of HPCI [High Pressure Coolant Injection] and half of the ECCS [Emergency Core Coolant System] for Unit 2 does not cause an increase in the probability of an accident since all the systems affected are not accident initiators as defined in Chapter 15 of the LGS [Limerick Generating Station] Updated Final Safety Analysis Report (UFSAR). However, based on the probability of occurrence of a seismic event of any severity, and assuming this would cause failure of the freeze seals and the complete loss of the "B" ESW loop, a small increase of approximately $4X10^{-9}$ (i.e., 0.1%) in the annual Core Damage Frequency (CDF) would result. This increase is judged not to be significant, since the cumulative risk caused by shutdown and startup is estimated to be higher than the cumulative risk during the AOT [Allowed Outage Time] for the ESW system repair. Maintaining the remaining ECCS equipment operable during the 72-hour period ensures that the consequences of the accidents previously evaluated will remain bounded by the UFSAR safety analysis. Therefore, there is no increase in the consequences of an accident. This conclusion is based on the following considerations.

a. All ECCS will be available for short term mitigation of the consequences of an accident. For long-term accident response (i.e., greater than 10 minutes), sufficient ECCS systems and components will remain available to mitigate the consequences of an accident, even considering a single active failure.

b. For long term response to an accident occurring during the proposed 72-hour AOT, sufficient time exists so that plant operators could take appropriate action to realign equipment and establish cooling flow to ECCS. Operator actions beyond those assumed in the UFSAR are not required for the short term response to an accident for the consequences to be maintained within those evaluated in the UFSAR. ECCS equipment has been analyzed for a variety of conditions involving loss of room cooling, and we have determined that several hours are available for operators to take corrective action to maintain certain ECCS equipment operable before environmental qualification temperature limits are exceeded.

c. Unit 1 will be shutdown during this 72-hour period. This reduces the demand on the remaining operable ESW loop and other common safety-related equipment such that additional margin exists in the "A" loop of ESW for heat removal from Unit 2 should an accident occur.

d. The "B" loop of ESW could still be considered to be functionally available to support equipment cooling needs even though it will be considered inoperable. The pressure boundary of the "B" ESW piping will be maintained through the use of freeze seals in the areas where repair and maintenance activities are in progress. PECo experience with freeze seals indicates that they are a reliable method of maintaining a pressure boundary intact, and therefore, the "B" loop of ESW is expected to be capable of supporting loop operations should the need

arise. Nevertheless, a freeze seal is not "qualified" as a pressure boundary in accordance with ASME [American Society of Mechanical Engineers] Code requirements and the "B" loop of ESW will be considered inoperable.

Since loss of the Unit 2 ECCS room unit coolers, RHR [Residual Heat Removal] seal cooling, and RHR pump motor oil cooling cooled by the "B" loop of ESW will not cause an immediate failure of these components upon initia[t]ion of the RHR pumps, operability for short term automatic response (i.e., less than 10 minutes) under the postulated accident conditions will be maintained. Beyond this 10 minute period, there would be two (2) RHR pumps and one (1) loop of CS [Core Spray] operable to provide the necessary long term accident mitigation. The availability of the ADS [Automatic Depressurization System], which itself is single failure proof and is unaffected by this activity, assures that the remaining RHR and/or CS pumps can maintain adequate core cooling. NEDO-24708A, provides the analysis that supports the conclusion that either one (1) RHR pump (operating in the LPCI [Low Pressure Coolant Injection] mode) or one (1) CS loop in conjunction with ADS, will provide adequate core cooling.

Therefore, even if a single failure were to occur, adequate core cooling capability would be maintained since two (2) RHR pumps and one (1) loop of CS will be operable during the proposed 72-hour AOT. Based on the accident mitigating capabilities of the ECCS equipment that remains operable with the "B" loop of ESW inoperable, the consequences of accidents previously evaluated will not be increased by this activity. Additional system specific details are provided below to support this conclusion.

a. RHR System - Even with a single failure of additional low pressure ECCS equipment that will not be rendered inoperable due to the loss of the "B" loop of ESW, the RHR system has enough redundancy that this system in conjunction with ADS could operate properly and mitigate an accident. Therefore, the consequences of accidents previously evaluated are not increased.

b. CS System - One of the two (2) loops of the CS system will be rendered inoperable due to the loss of the "B" loop of ESW. The analysis in NEDO-24708A has shown that one (1) CS loop is adequate to provide the required core cooling. Therefore, the consequences of an accident previously evaluated are not increased by the impact of this change on the CS system.

c. EDGs [Emergency Diesel Generators] - The EDSs (i.e., D12 and D14 for Unit 1, and D22 and D24 for Unit 2) will be rendered inoperable. The EDGs that will remain operable provide the necessary emergency electrical power to assure that Unit 2 (assumed to be in power operation) and Unit 1 (assumed to be shutdown) have the equipment and systems operable to mitigate the accidents previously analyzed. The number of EDGs operable meets or exceeds the minimum required by TS without requiring an immediate Unit 2 shutdown. TS requirements for emergency power for primary containment isolation valves will be verified as part of the Surveillance Tests which are performed when EDGs become or are made inoperable. Also, the inoperable EDGs will still remain functionally available assuming that the freeze seals maintain an adequate pressure boundary. Approved procedures exist which provide the ability to assess the applicable TS requirements relative to the specific inoperable EDGs. Therefore, the consequences of an accident previously evaluated are not increased by the inoperability of the EDGs cooled by the "B" loop of ESW.

d. HPCI [High Pressure Coolant Injection] System - This proposed change does remove room cooling capability from the Unit 2 HPCI compartment. This will eliminate the long term response of the HPCI pump for water injection capability in response to a small break LOCA, but the capability to use HPCI to inject into the reactor vessel for at least 15 minutes still exists. Despite this impact on HPCI, the remaining operable subsystems of RHR and CS in conjunction with ADS assures that adequate core cooling will remain available long term and that the consequences of an accident previously evaluated are not increased.

e. RCIC [Reactor Core Isolation Cooling] System - This proposed change, which renders the "B" loop of ESW inoperable for 72-hours, does not remove room cooling capability from the RCIC compartment. This is due to the fact that the "A" loop of ESW supplies the room unit coolers for this pump. This change has no effect on the alignment, configuration, or operation of the RCIC system. Therefore, with respect to the RCIC system, the consequences of an accident previously evaluated are not increased.

f. RECW [Reactor Enclosure Cooling Water] System - The "A" loop of ESW provides backup cooling to the RECW heat exchangers. Therefore, the loss of the "B" loop of ESW cooling water to the RECW heat exchange does not increase the consequences of an accident previously evaluated.

g. TECW [Turbine Enclosure Cooling Water] System - TECW is provided with a backup cooling water supply from the "B" loop of ESW. The TECW heat exchangers are not safety-related and do not require ESW as a cooling water supply. Therefore, there is no increase in the consequences of an accident previously evaluated because of the temporary loss of the back-up cooling water to the TECW heat exchangers from the "B" loop of ESW.

h. Reactor Recirculation (RR) Pumps - ESW provides a backup source of cooling water to the RR pumps should normal cooling be unavailable. The RR pumps form a portion of the primary coolant pressure boundary, and are therefore, safety-related in the passive sense. However, even if normal and backup cooling were lost to the pump seals, the potential leakage is within the makeup capability of the operable ECCS equipment. Therefore, with respect to the RR pumps, the consequences of an accident previously evaluated are not increased.

i. Fuel Pool Cooling System - The fuel pool cooling system does not perform a safety function to mitigate the consequences of an accident. Therefore, the loss of the ESW as a potential backup cooling (i.e., make-up) source to Unit 2 fuel pool does not increase the consequences of an accident previously evaluated.

j. RHRSW [Residual Heat Removal Service Water] System - The RHRSW system TS Section 3.7.1.1 provides a 30-day AOT with two (2) RHRSW pump/EDG pairs inoperable. Therefore, the impact of the one-time TS change on RHRSW system capability does not increase the consequences of an accident previously evaluated.

k. Spray Pond - The proposed TS change does not impact the spray pond operation as the ultimate heat sink. The Spray pond was sized to be able to handle both units' decay heat removal requirements from 100% power operating conditions. Since Unit 1 will not be in operation, minimal decay heat removal will be required for that unit. Also, the motor operated valves needed to align the operable ESW and RHRSW loops to the spray networks are still operable. Therefore, with respect to the Spray Pond, this one-time TS change does not increase the consequences of an accident previously evaluated.

l. Control Room Emergency Fresh Air Supply (CREFAS) System - The TS change does impact the CREFAS system since only one of the EDGs which supplies emergency power to the CREFAS system is affected. The emergency power supply to the "A" CREFAS subsystem is provided by Unit 1 D11 and D13 EDGs, whereas the "B" subsystem is powered by the Unit 1 D12 and D14 EDGs. The Unit 2 TS allow the CREFAS to be considered operable when the "B" loop of ESW is out-of-service for a period not to exceed 30 days. This envelopes the AOT that this TS change is requesting. Therefore, with respect to the CREFAS system this one-time TS change does not increase the consequences of an accident previously evaluated.

m. MCR [Main Control Room] Chillers - These are safety-related components and are required to be available in the event of an accident. The chillers are common plant equipment; however, only one (1) of the two (2) chillers is required to be available to support the design heat loads. Therefore, by taking the "B" loop of ESW out of service, only one of the chillers will be unavailable. If the available chiller would subsequently be lost and the MCR temperature exceeds the TS limit, appropriate action would be taken in accordance with TS. Therefore, with respect to the MCR chillers, the consequences of an accident previously evaluated are not increased.

n. Standby Gas Treatment System (SGTS) - This proposed change makes the emergency power supply for one of the SGTS subsystems inoperable, but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected SGTS emergency power supply be less than 72-hours, which is consistent with the requested AOT for this activity. Therefore, with respect to the SGTS, this one-time TS change does not increase the consequences of an accident previously evaluated.

o. Reactor Enclosure Recirculation System (RERS) - This change makes the emergency power supply for one (1) of two (2) RERS subsystems inoperable, but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected power supply be less than 72-hours. Therefore, the 72-hour AOT requested for this activity falls within the bounds of the TS AOT for the RERS, and does not increase the consequences of an accident previously evaluated with respect to the RERS.

p. Standby Liquid Control (SLC) System - This change makes the emergency power supply to one (1) of the three (3) SLC pumps and one (1) of the two (2) SLC subsystems inoperable, but does not make any pump or either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected SLC system emergency power supply be less than 72-hours. Since the proposed 72-hour AOT is bounded by the SLC system AOT, the consequences of an accident previously evaluated are not increased with respect to the SLC system.

q. Post LOCA Hydrogen Recombiner - This change makes the emergency power supply for one (1) of two (2) subsystems of the Post-LOCA Hydrogen Recombiner inoperable but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected Post-LOCA Hydrogen Recombiner emergency power supply be less than 72-hours. Since the proposed 72-hour AOT requested for this activity is bounded by the Post-LOCA Hydrogen Recombiner TS AOT, this activity does not increase the consequences of an accident previously evaluated with respec to the Post-LOCA Hydrogen Recombiner.

r. Main Steam Isolation Valve (MSIV) Leakage Control System - This change makes the emergency power supply to one (1) of the two (2) MSIV leakage control subsystems inoperable, but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected MSIV Leakage Control System emergency power supply be less than 72-hours. The 72-hour AOT requested for this activity falls within the bounds of the TS AOT for the MSIV Leakage Control System. Therefore, the consequences of an accident previously evaluated are not increased with respect to the MSIV Leakage Control System.

s. Drywell Hydrogen Mixing System - As a result of this activity, the emergency power supply for two (2) of the four (4) subsystems associated with the Drywell Hydrogen Mixing system will be inoperable, but none of the hydrogen mixing subsystems are made inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected Drywell Hydrogen Mixing system emergency power supply be less than 72-hours. Therefore, since the 72-hour AOT requested for this activity is bounded by the Drywell Hydrogen Mixing system TS AOT, there is no increase in the consequences of an accident previously evaluated with respect to the Drywell Hydrogen Mixing system.

For the proposed 72-hour period in which the "B" loop of ESW will be inoperable, two (2) RHR pumps, one (1) CS subsystem, ADS, and RCIC remain operable for accident mitigation. Because this configuration remains single-failure-proof, a malfunction of any of these systems will not remove the ability to provide adequate core cooling. All other affected components, taken individually, are currently evaluated for allowable out-of-service times of at least 72-hours.

Therefore, implementation of the proposed 72-hour AOT will not result in an increase in the probability or consequences of an accident previously evaluated.

2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Since there are no changes in configuration, alignment, or operational procedures, the possibility of a new or different kind of accident is not created. The systems affected are not accident initiators. The systems that will remain operable are capable of mitigating an accident.

The following compensatory measures will be taken to offset the fact that the "B" loop of the ESW system will be inoperable but available due to this planned activity. Proper position of ESW system flow path valves will be verified prior to (i.e., within 24 hours of) initiation of this activity to reduce the possibility of valve misalignments.

The proposed change will not cause the components important to safety that have been discussed above to be challenged by a different type of malfunction, since no new type of malfunction will be created by any operation associated with this activity. Therefore, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) The proposed change does not involve a significant reduction in a margin of safety.

Implementation of this proposed TS change will result in a reduction in the margin of safety due to the loss of system redundancy. However, this reduction in the margin is not significant since the remaining operable ECCS equipment is adequate to mitigate the consequences of an accident, even assuming a single failure. This is based on the analysis in NEDO-24708A and NEDC-30936P-A. These documents describe the minimum requirements to successfully terminate a transient or LOCA initiating event (assuming reactor trip), assuming multiple failures with realistic conditions. The minimum requirements for short term response to an accident would be one (1) low pressure ECCS in conjunction with ADS operation. For long term response, which would include decay heat removal through one RHR loop along with another low pressure ECCS (e.g., CS or LPCI) is required. Implementation of the proposed TS change will require that operability of two (2) RHR subsystems and one (1) CS loop be maintained during the 72-hour period. In addition, the RCIC system will remain operable during the 72-hour period although credit is not taken for it in the UFSAR safety analysis.

The bases for TS section 3/4.5.1 for ECCS during plant operation state that with the HPCI system inoperable, adequate core cooling is assured by the operability of ADS, both the CS and LPCI systems, and RCIC (although no credit is taken for RCIC in the UFSAR safety analysis). For the duration of the ESW pipe repair activity, a period not to exceed 72-hours, two (2) RHR LPCI pumps and one (1) Loop of CS will not be operable due to the loss of cooling from the "B" loop of ESW. However, the ability to provide adequate core cooling and decay heat removal is maintained, even assuming a single failure, by the remaining two (2) RHR pumps and one (1) loop of CS. Therefore, implementation of the proposed 72 AOT will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: March 3, 1992

Description of amendment request: The amendments would revise the Surveillance Requirements (SRs) and pertinent Bases of the Technical Specifications (TSs) to incorporate the most recent recommendations contained in the American Society of Mechanical Engineers (ASME) Operations and Maintenance (OM) standard for snubber testing, ASME/ANSI OM-1990 Addenda to ASME/ANSI OM-1987, Part 4, "Examination and Performance Testing of Nuclear Power Plant Dynamic Restraints (Snubbers)." Specifically, the changes would revise the 10% functional testing sampling plan (SR 4.7.4.e.1), 2) delete the 55 plan (SR 4.7.4.e.3), 3) incorporate the concept of "Failure Mode Grouping, (FMG)" 4) remove the

"reject" line from the 37 plan (SR 4.7.4.e.2) and 5) change the snubber functional testing interval from 18 to 24 months (± %25) to accommodate a 24-month refueling cycle.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of occurrence of an accident previously evaluated is not increased by the proposed TS changes because snubber operability, snubber failure rate, snubber testing format or the interval between snubber functional tests are not postulated as a cause for the occurrence of any accident, transient, or other event that has been previously evaluated. All snubbers will continue to function as previously assumed and the probability of occurrence of an accident remains unchanged.

The consequences of an accident previously evaluated is not increased by the proposed TS changes to the snubber functional testing SRs. Physical changes are not being made to the plant. The snubbers role in mitigating the consequences of an accident are to permit the slow movement of piping and components during heatup and cooldown, and provide restraint during seismic or other dynamic events. The proposed TS changes will not affect the snubbers ability to continue to perform this role for the following reasons.

a. Revising the 10% snubber functional testing sample plan to require subsequent lot sizes to be at least 5% of the total population of a snubber type for each snubber test failure, instead of 10%, is in accordance with the ASME OM4 Code. Nonmandatory Appendix D to ASME OM4 further states that the two sampling plans that are permitted (i.e., 10% plan and 37 plan) provide the required protection. The ability of the 10% plan to assure a sound snubber population is not compr[om]ised by using smaller subsequent sample lot sizes because the 10% plan compares well to the stati[sti]cally based and accepted 37 plan. When the revised 10% plan for a total population of 370 snubbers is plotted with the 37 plan, it can be shown that both plans require the same number of tests and have the same size "accept" region. For sample populations greater than 370 snubbers, the revised 10% plan has a smaller "accept" region than the 37 plan, and therefore, is more conservative. For sample populations less than 370 snubbers, the 10% plan has a larger "accept" region than the 37 plan, but is still acceptable based on the fact that it is the recommended plan for smaller populations.

Since snubber operability is confirmed through testing, components that utilize snubbers in their design will continue to function as previously assumed. Therefore, the consequences of accidents will remain as previously evaluated, and the onsite or offsite radiological effects will not increase above those previously evaluated.

b. Removal of the "reject" line from the 37 plan, which results in an expanded "continue testing" region, will not reduce the effectiveness of the plan to detect failed or degraded snubbers. Snubber testing must still continue until the test results fall within the "accept" region or until all snubbers are tested, thus providing the same statistical confidence in the completed test.

Since snubber operability will be confirmed as before, components that utilize snubbers in their design will continue to function as previously assumed. Therefore, the consequences of accidents will remain as previously evaluated and the onsite or offsite radiological affects will not increase above those previously evaluated.

c. Deletion of the 55 plan from the TS will not reduce the ability of the snubber functional testing program to confirm the operability of the snubber population because two other approved plans will remain in the TS. The current TS requirements permit selection of any of these plans for snubber testing. Since the 37 plan is acceptable and should result in fewer snubbers being tested, the 55 plan is no longer needed. This change will therefore not increase the consequences of an accident previously evaluated.

d. Implementation of the concept of [Failure Mode Grouping] FMG when selecting additional snubbers to meet functional testing requirements will not reduce the ability of the snubber functional testing program to confirm the operability of the snubber population. The failure mode group will count as one (1) failure for additional testing in the general population according to the previously selected sample plan. FMG increases the focus on problem areas by directing testing towards specific failure mechanisms, while maintaining testing of the sample population. This will increase the ability of the program to detect and correct degraded snubbers. The use of the FMG will not increase the consequences of an accident for the same reasons as stated in item 'b' above, and is consistent with the referenced ASME OM4 Code. The proposed changes to the TS do not change plant design, hardware or system operations. Any changes to plant procedures as a result of the proposed changes will only affect the format of snubber functional testing and not plant operations or maintenance.

e. Changing the inspection cycle to 24 months (± 25%) will not reduce the ability of the functional testing program to confirm the operability of the snubber population. The original interval of 18 months (± 25%) was selected to accommodate the need to test snubbers that were inaccessible during normal operation. Since snubbers do not require preventative maintenance, the additional time added by a 24 month cycle has no consequences on snubber operability. Snubber functional testing has shown no failure mechanism which would be aggravated by an extension of the test interval to 24 months (± 25%). The requirement to monitor service life remains a part of the TS, and operational conditions which contribute to snubber degradation will still be monitored and corrected. Additionally, some snubber damage may result from maintenance and other work activities during outages. Fewer interruptions that could cause snubber degradations will result in a more reliable snubber population. This change will not increase the consequences of an accident for the same reasons as stated in item 'b' above.

As discussed above, the proposed TS changes will not effect the operability of the snubber population. Therefore, equipment important to safety that use snubbers will continue to meet all of the applicable design requirements. The proposed changes only affect the format used during the snubber functional testing and not the actual test itself. Also, these changes do not permit any physical modifications to snubbers or other equipment. Accordingly, the consequences of a malfunction of equipment important to safety is not affected.

2) The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

As previously stated above, the proposed TS changes do not involve operational procedures or physical changes to the plant. The snubbers will continue to meet their design basis of protecting piping and equipment during dynamic events. The proposed TS changes will not affect the operation of snubbers; therefore, equipment that incorporate[s] the use of snubbers in its design will continue to function as previously evaluated. These proposed changes, as discussed above will maintain the previous level of assurance of snubber operability because the basic requirements for snubber functional testing are unchanged. Therefore, the proposed TS changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) The proposed TS changes do not involve a significant reduction in a margin of safety.

The bases for the TS require that all snubbers whose failure could have an adverse affect on any safety-related system, be operable. This ensures that the structural integrity of the reactor coolant system and all other safety-related systems is maintained during and following a seismic or other event initiating dynamic loads. The bases also discuss classification and grouping of the general snubber population, snubber listing requirements, visual inspection frequency, and visual acceptance criteria. The proposed TS changes maintain the same confidence level as that currently provided by the TS for determining snubber operability. Accordingly, the existing margin of safety will be maintained. Therefore, the proposed TS changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Previously Published Notices of Consideration of Issuance of Amendments To Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Tennessee Valley Authority Docket No. 50-327, Sequoyah Nuclear Plant, Unit 1 Hamilton County, Tennessee

Date of amendment request: February 20, 1992 (TS 92-02)

Description of amendment request: The amendment changes the Technical Specifications to revise the overtemperature differential temperature allowable value, overpower differential temperature allowable value, the Reactor Coolant System loop differential temperature allowable value, and the calibration frequency requirements for the Reactor Coolant System resistance temperature detectors for Unit 1 Cycle 6 operation.

Date of publication of individual notice in **Federal Register:** February 27, 1992 (57 FR 6748)

Expiration date of individual notice: March 30, 1992

Local Public Document Room location: Chattanooga-Hamilton County Library 1101 Broad Street, Chattanooga, Tennessee 37402

Notice of Issuance of Amendment To Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Arizona Public Service Company, et al., Docket Nos. 50-528 ,50-529, and 50-530 Palo Verde Nuclear Generating Station, Unit Nos. 1 , 2, and 3, Maricopa County, Arizona

Date of application for amendments: May 28, 1991, as supplemented November 27, 1991

Brief description of amendments: These amendments revise Technical Specification 3/4.7.9 to allow Arizona Public Service Company to perform snubber visual inspections and corrective actions during plant outages. These amendments conform to the guidance provided by the NRC in Generic Letter (GL) 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions," dated December 11, 1990.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment Nos.: 57, 44, 30

Facility Operating License Nos. NPF-41 , NPF-51,and NPF-74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 10, 1991 (56 FR 31429) The additional information contained in letter dated November 27, 1991, was clarifying in nature and thus within the scope of the initial notice and did not affect the NRC staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendment: August 28, 1991 and December 30, 1991

Brief description of amendment: These amendments revise Section 6, "Administrative Controls," of the Technical Specifications to define the lines of functional responsibility more clearly, and better describe technical and review activities.

Date of issuance: March 4, 1992

Effective date: March 4, 1992

Amendment No.: 58, 45 and 31

Facility Operating License Nos. NPF-41, NPF-51, and NPF-74: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55942) The December 30, 1991, letter withdrew a portion of the original amendment request, but did not change the proposed no significant hazards consideration finding of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 4, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: December 26, 1991

Brief description of amendments: These amendments revise the technical specifications to allow replacement of existing 125V dc batteries with new batteries.

Date of issuance: March 6, 1992

Effective date: March 6, 1992

Amendment Nos.: 59, 46 and 32

Facility Operating License Nos. NPF-41, NPF-51, and NPF-74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2586) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 6, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Commonwealth Edison Company, Docket No. 50-265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of application for amendment: June 28, 1991

Brief description of amendment: Revision of Technical Specifications to reflect a modification to the High Pressure Coolant Injection turbine steam exhaust line. The amendment adds the requirements for new containment isolation valves which are part of the modification.

Date of issuance: February 21, 1992

Effective date: immediately, to be implemented during 11th refueling outage.

Amendment No.: 130

Facility Operating License No. DPR-30. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 21, 1991 (56 FR 41576) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois

Date of application for amendments: August 9, 1991 as amended December 18, 1991.

Brief description of amendments: The amendments remove the containment isolation valve tables and the associated table references from the Technical Specifications for Zion Station, Units 1 and 2.

Date of issuance: February 18, 1992

Effective date: February 18, 1992

Amendment Nos.: 133 and 122

Facility Operating License Nos. DPR-39 and DPR-48. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 18, 1991 (56 FR 47231) The December 18, 1991 submittal amended the original submittal to retain a portion of the current technical specification and did not change the initial proposed no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 18, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Connecticut Yankee Atomic Power Company and Northeast Nuclear Energy Company, Docket Nos. 50-213 and 50-245, Haddam Neck Plant and Millstone Nuclear Power Station, Unit 1, Middlesex County and New London County, Connecticut

Date of applications for amendment: March 24, 1988, March 31, 1988, supplemented December 23, 1991

Brief description of amendments: The amendments add a license condition requiring the licensees to implement and maintain their Integrated Implementation Schedule Program Plan. This Program Plan provides a methodology to be followed for scheduling plant modifications and engineering evaluations.

Date of issuance: February 26, 1992

Effective date: February 26, 1992

Amendment Nos.: 150 for Haddam Neck, and 56 for Millstone 1

Facility Operating License Nos. DPR-61 AND DPR-21. Amendments revised the Licenses.

Date of initial notice in **Federal Register:** May 4, 1988 (53 FR 15914) for Millstone 1 and January 22, 1992 (57 FR 2591 and 57 FR 2597) for Haddam Neck and Millstone 1

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Russell Library, 123 Broad Street, Middletown, Connecticut 06457, for the Haddam Neck Plant, and the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360, for Millstone, Unit 1.

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: April 12, 1991

Brief description of amendment: This amendment reissues all pages of the plant Technical Specification (TS) correcting a number of editorial errors and inconsistencies between the NRC and Consumers Power Company (CPCo) copies of the TS.

Date of issuance: February 19, 1992

Effective date: February 19, 1992

Amendment No.: 107

Facility Operating License No. DPR-6. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20030) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: August 6, 1991

Brief description of amendments: The amendments revise the maximum allowable combined flowrates for both reactor makeup water pumps for MODES 3-5 with one or both trains of the Boron Dilution Mitigation System inoperable. A restriction is also added for MODE 6 and certain administrative changes are also made.

Date of issuance: March 3, 1992

Effective date: March 3, 1992

Amendment Nos.: 94 and 88

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 26, 1991 (56 FR 66919)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 3, 1992

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: December 18, 1991

Brief description of amendments: The amendments which support the McGuire Unit 2 cycle 8 reload with B&W fuel, are administrative in nature and make McGuire Unit 2 TS identical to the previously reviewed and approved McGuire Unit 1 TS (November 27, 1991). The reload methodology and analyses that supported the previously approved Unit 1 TS amendments are conservatively bounding and applicable to both McGuire units.

Date of issuance: March 6, 1992

Effective date: March 6, 1992

Amendment Nos.: 130 and 112

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 5, 1992 (57 FR 4486) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 6, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Duquesne Light Company, et al., Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: February 28, 1991

Brief description of amendment: The amendment revises the Appendix A Technical Specification Surveillance Requirement 4.7.1.5 by deleting the requirement for periodic part-stroke testing of each main steam isolation valve (MSIV) and by deleting reference to specific testing requirements. These are replaced by the requirement to verify the full closure of each MSIV within 5 seconds when tested in accordance with the requirements of Specification 4.0.5 (which references Section XI of the ASME Boiler and Pressure Vessel Code). The modified surveillance requirement is in accordance with the Standard Technical Specifications for Westinghouse pressurized water reactors.

Date of issuance: February 25, 1992

Effective date: February 25, 1992

Amendment No. 162

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20034) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Duquesne Light Company, et al., Docket No. 50-412, Beaver Valley Power Station, Unit No. 2, Shippingport, Pennsylvania

Date of application for amendment: October 9, 1991

Brief description of amendment: The amendment revises Table 2.2-1 (Note 1) for Technical Specification 2.2.1, "Reactor Trip System Instrumentation Setpoints." Specifically, it revises a constant in the equation used to determine the overtemperature delta temperature trip setpoint.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment No.: 42

Facility Operating License No. NPF-73. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2592) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: October 15, 1991

Brief description of amendments: The amendments revised the Arkansas Nuclear One, Unit Nos. 1 and 2 (ANO-1&2) by deleting the requirement for a visual cell plate inspection for the diesel fire pump battery from ANO-1 Surveillance Requirement 4.20.3.c.1 and ANO-2 Surveillance Requirement 4.7.10.1.3.c.1.

Date of issuance: February 26, 1992

Effective date: February 26, 1992

Amendment Nos.: Unit 1; 157 and Unit 2; 131

Facility Operating License Nos. DPR-51 and NPF-6. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 11, 1991 (56 FR 64654). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 26, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: June 25, 1991

Brief description of amendment: The amendment authorized a one-time extension of the required test interval for Overall Integrated Leakage Tests (Type A Tests) as specified in Technical Specification (TS) 4.6.1.2.a. The amendment also deleted the TS 4.6.1.2.a requirement coupling the third Type A test to the plant shutdown for the 10-year Inservice Inspection (ISI) outage. The submittal also requested an exemption from 10 CFR 50, Appendix J, which requires the performance of the third Type A leak test during the shutdown for the 10-year ISI required by Section 50.55a.

Date of issuance: February 20, 1992

Effective date: February 20, 1992

Amendment No: 89

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** July 24, 1991 (56 FR 33954) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: January 11, 1991, and supplements thereto dated March 13 and October 9, 1991.

Brief description of amendment: The amendment deleted the DC battery load profiles from Technical Specification (TS) 4.8.2.1.d.2. The battery load profiles being removed are contained in the Grand Gulf Nuclear Station Updated Final Safety Analysis Report (UFSAR). The TS Bases were also modified to include a description of the simulated emergency load profiles and their definition in the UFSAR.

Date of issuance: February 25, 1992

Effective date: February 25, 1992

Amendment No: 90

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49917) The additional information contained in the supplemental letters dated March 13 and October 9, 1991, was clarifying in nature and thus within the scope of the initial notice and did not affect the NRC staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: October 18, 1991

Brief description of amendment: The amendment deletes a Technical Specification requirement to perform a daily surveillance verifying the measured recirculation system drive flow to be less than or equal to the established drive flow for a given flow control valve position.

Date of issuance: February 25, 1992

Effective date: February 25, 1992

Amendment No: 91

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57696) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of application for amendments: December 17, 1991

Brief description of amendments: These amendments remove the schedule for the withdrawal of reactor vessel material specimens from Technical Specifications. These amendments are consistent with the guidance of Generic Letter 91-01.

Date of Issuance: February 25, 1992

Effective Date: February 25, 1992

Amendment Nos.: 113, 54

Facility Operating License Nos. DPR-67 and NPF-16: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2594) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 26, 1991 as supplemented by letter dated January 24, 1992.

Brief description of amendments: The amendments change the Technical Specifications by decreasing the required minimum volume for the Auxiliary Feedwater Storage Tank (AFST) from 518,000 gallons to 485,000 gallons.

Date of issuance: February 25, 1992

Effective date: February 25, 1992, to be implemented within 90 days of issuance.

Amendment Nos.: Amendment Nos. 33 and 24

Facility Operating License Nos. NPF-76 and NPF-80. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51925) The January 24, 1992, submittal requested a 90-day implementation period following date of issuance of the amendment and did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy, Center, Linn County, Iowa

Date of application for amendment: August 30, 1991

Brief description of amendment: The amendment revised the Technical Specificiations to require a Service Discharge Test each operating cycle and a Performance Discharge Test in lieu of the Service Discharge Test once every 5 years.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment No.: 179

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49922) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: January 7, 1992

Brief description of amendment: This amendment eliminates the requirement to perform surveillance testing on equipment that is not required to be operable by the Technical Specifications, or on equipment that is

otherwise inoperable (e.g., maintenance, repair, etc.).

Date of issuance: February 24, 1992

Effective date: February 24, 1992

Amendment No.: 129

Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2597) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

Date of application for amendment: November 6, 1991, as supplemented December 5, 1991

Brief description of amendment: The amendment revises Technical Specification Surveillance Requirement 4.5.1.e.2(b) to incorporate a revised automatic depressurization system test pressure. This review was required to reduce the potential of seat damage to the safety relief valves that could occur during low pressure testing.

Date of issuance: February 27, 1992

Effective date: February 27, 1992

Amendment No.: 36

Facility Operating License No. NPF-69: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 712) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Philadelphia Electric Company, Public Service Electric and Gas Company Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: December 19, 1991

Brief description of amendments: These amendments revise the Technical Specification definition of Surveillance Frequency. The revised definition provides specific definitions of the surveillance intervals used throughout the Technical Specifications. In addition, the changes revise the reference date from which subsequent surveillance tests are scheduled. Finally, the changes delete redundant and potentially confusing words from the definition.

Date of issuance: February 25, 1992

Effective date: Effective upon implementation of the Plant Information Monitoring System Surveillance Testing Module.

Amendments Nos.: 166 and 170

Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 714) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: April 9, 1991, and October 3, 1991

Brief description of amendment: This amendment revises Trojan Technical Specification (TTS) 6.5.2.2 to modify the membership requirements of the Trojan Nuclear Operation Board (TNOB), Trojan's safety review oversight group. This revision would allow for substitution of ten years of appropriate technical experience in lieu of an academic degree in engineering or science field and a minimum of five years technical experience.

Date of issuance: February 20, 1992

Effective date: February 20, 1992

Amendment No.: 180

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 11, 1991 (56 FR 64660) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: December 12, 1991

Brief description of amendment: This amendment modifies the Trojan Technical Specification Section 6.0, "Administrative Controls." This amendment incorporates an organizational change, modifies the Plant Review Board composition, and corrects several editorial errors in Trojan Technical Specification Section 6.0.

Date of issuance: February 20, 1992

Effective date: Februardy 20, 1992

Amendment No.: 181

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 714) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: February 15, 1991, as supplemented on May 14, 1991 (published as March 26, 1991, in Federal Register on July 24, 1991, 56 FR 33960).

Brief description of amendment: The proposed amendment would revise the pressure-temperature (P-T) limits for the reactor coolant system, the Ginna Technical Specifications, during heatup, cooldown, leak test, and criticality. The revised P-T limits were developed by the licensee to comply with the NRC position on radiation embrittlement of reactor vessel materials and its effect on plant operations, outlined in Regulatory Guide (RG) 1.99, Revision 2, and Generic Letter 88-11 guidance. The revised P-T limits also considered a re-evaluation of the low temperature overpressurization protection system (LTOPS) setpoint. The supplemental information submitted on May 14, 1991, clarified information in the application. The information did not change the scope of the amendment request or the proposed determination of no significant hazards consideration.

Date of issuance: March 6, 1992

Effective date: March 6, 1992

Amendment No.: 48

Facility Operating License No. DPR-18: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 24, 1991 (56 FR 33960). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 6, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: August 30, 1991

Brief description of amendments: The amendment modified the Technical Specifications 3/4.3.1, "Reactor Protection System Instrumentation" and 3/4.4.3.2, "Engineered Safety Features Actuation System Instrumentation" by changing the channel functional and logic units surveillance test intervals from monthly to quarterly.

Date of issuance: February 28, 1992

Effective date: February 28, 1992

Amendment Nos.: 101 and 90

Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49926) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 28, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

TU Electric Company, Docket No. 50-445, Comanche Peak Steam Electric Station, Unit 1, Somervell County, Texas

Date of amendment request: April 22, 1991, supplemented by letter dated November 4, 1991

Brief description of amendment: The amendment revises Sections 6.2 and 6.5 of the technical specifications to reflect organizational and title changes at TU Electric.

Date of Issuance: March 6, 1992

Effective date: March 6, 1992, to be implemented within 7 days of issuance.

Amendment No.: Amendment No. 9

Facility Operating License No. NPF-87. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 10, 1991 (56 FR 31444) and December 26, 1991 (56 FR 66930). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 6, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room Location: University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019.

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: May 10, 1991 and supplemented December 21, 1991

Brief description of amendment: This amendment revised Technical Specification (TS) 6.0., Administrative controls, Section 6.5.12, Station Review Board Composition by changing the number of members from 8 to 6. In addition, revisions to TS Sections 6.3., 6.4.1, 6.4.2, 6.5.1.4 and 6.5.1.5 reflect organizational changes and are administrative in nature. The proposed changes are similar to those approved by Amendment Numbers 20 and 10, dated November 14, 1990 issued by the NRC staff to Houston Lighting and Power Company's South Texas Project, Units 1 and 2, and Amendment Number 122, dated October 10, 1989 issued to Florida Power Corporation's Crystal River, Unit 3. The proposed changes are also consistent with the NRC Generic Letter (GL) 88-06 dated March 22, 1988, Removal of Organizational Charts from Technical Specification Administrative Control Requirements.

Date of issuance: January 31, 1992

Effective date: January 31, 1992

Amendment No. 169

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 24, 1991 (56 FR 33962). The December 21, 1991 letter provided additional clarifying information that did not change the initial proposed no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: August 1, 1991, clarified February 19, 1992. Based on discussions with the NRC staff, the licensee revised its request by letter dated February 19, 1992, to more closely conform with the recommendations of GL 90-09. As this revision is more conservative in defining snubber visual inspection acceptance criteria than the original proposal, the staff's proposed no significant hazards determination, dated September 4, 1991 remains valid.

Brief description of amendment: The amendment revised TS 3/4.7.8, "Snubbers," and associated Bases by changing the snubber visual inspection intervals and corrective actions. The proposed changes are consistent with the guidance of Generic Letter 90-09, dated December 11, 1990.

Date of issuance: March 5, 1992

Effective date: March 5, 1992

Amendment No.: 67

Facility Operating License No. NPF-30. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 4, 1991 (56 FR 43817) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 5, 1992. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Virginia Electric and Power Company, et al., Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application for amendment: January 8, 1992, as supplemented January 31, February 10 and February 25, 1992.

Brief description of amendment: This amendment revises the minimum allowable Reactor Coolant System total flow from the current value of 284,000 gpm to a value of 268,000 gpm. This revision is temporary and will remain in effect until the currently scheduled 1993 steam generator replacement. In addition, an administrative change has been made to Table 2.2-1.

Date of issuance: March 3, 1992

Effective date: March 3, 1992

Amendment No.: 154

Facility Operating License No. NPF-4: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 21, 1992 (57 FR 2291) The January 31, February 10 and February 25, 1992 letters provided additional information which did not change the staff's proposed no significant hazard consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 3, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: September 20, 1991

Brief description of amendments: These amendments delete requirements for testing components prior to initiating maintenance on inoperable components in the safety injection, containment spray, recirculation spray, and auxiliary ventilation exhaust systems. With regard to the emergency diesel generators (EDGs), the redundant train testing requirement is not deleted. Instead, a limit is specified for the amount of time an EDG may be rendered inoperable for such testing. Typographical errors are also corrected on pages TS 3.3-6, TS 3.4-2 and TS 3.16-4. Finally, one clarifying change has been made to page TS 3.16-4.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment Nos. 167, 166

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: November 27, 1991 (56 FR 60120) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application for amendment: March 11, 1991

Brief description of amendment: The proposed amendment increases the surveillance intervals for the channel functional tests of isolation actuation instrumentation from monthly to quarterly. The proposed amendment also increases the allowable outage times for single trip system channels from 2 hours to 6 hours and clarifies when the required actions should be taken with one or more isolation actuation instrumentation channels inoperable. For those isolation actuation instruments which are common to both the Reactor Protection System and the isolation actuation instrumentation, the more restrictive requirements are proposed.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment No.: 99

Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: August 7, 1991 (56 FR 37593) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments requested: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Notice of Issuance of Amendment To Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity For Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a Federal Register notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental

assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By April 17, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Virginia Electric and Power Company, et al., Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application for amendment: January 28, 1992, as supplemented February 27, 1992.

Brief description of amendment: This amendment limits maximum reactor power to 95% of rated thermal power and imposes more restrictive equipment operability requirements for the Emergency Core Cooling System. The changes will remain in effect until steam generator replacement is completed in 1993.

Date of issuance: March 3, 1992

Effective date: March 3, 1992

Amendment No.: 153

Facility Operating License No. NPF-4: Amendment revised the Technical Specifications and the license. Public comments requested as to proposed no significant hazards consideration: Yes,

February 5, 1992 (57 FR 4503). The notice period ends March 6, 1992. However, due to changed circumstances, the amendment was issued prior to the end of the 30-day notice period. The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated March 3, 1992.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, P.O. Box 1535, Richmond, Virginia 23212.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

NRC Project Director: Herbert N. Berkow

Dated at Rockville, Maryland, this 11th day of March 1992.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[FR Doc. 92-6200 Filed 3-17-92; 8:45 am]

BILLING CODE 7590-01-D

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG-1022 (which should be mentioned in all correspondence concerning this draft guide), is a proposed Revision 3 to Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors." This guide is being developed to provide guidance to licensees and applicants on methods acceptable to the NRC staff for complying with the Commission's regulations for emergency response plans and preparedness at nuclear power reactors.

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an offical NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by April 15, 1992.

Although a time limit is given for comments on this draft, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 2 day of March 1992.

For the Nuclear Regulatory Commission.

Warren Minners,

Director, Division of Safety Issue Resolution Office of Nuclear Regulatory Research.

[FR Doc. 92-6259 Filed 3-17-92; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request copies available from: Securities and Exchange Commission, Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Rule 15a-6, File No. 270-329

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15a-6 [17 CFR 240.15a-6] under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), which provides, among other things, an exemption from broker-dealer registration for foreign broker-dealers that effect trades with or for U.S. institutional investors through a U.S. registered broker-dealer, provided that the U.S. broker-dealer obtains certain information about, and consents to service of process from, the personnel of the foreign broker-dealer involved in such transactions, and maintains certain records in connection therewith. It is estimated that approximately 2000 respondents will incur an average burden of three hours per year to comply with this rule.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: March 9, 1992.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6223 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20469; File No. SR-MSE-92-03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Midwest Stock Exchange, Inc. To Establish an Automatic Execution System for Limit Orders

March 11, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1992, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSE is proposing a system enchancement which would facilitate the execution of limit orders in a specialist's book automatically.[1] The proposed automatic execution feature ("Auto-Ex") will execute limit orders in accordance with existing MSE rules.[2] Auto-Ex will be available for all dually traded issues; however, specialists will be permitted to choose Auto-Ex on an issue by issue basis. Generally, however, Auto-Ex will be used for issues which, based on experience, have demonstrated reliable and accurate quotes in the primary market. Limit orders not subject to Auto-Ex will be "flagged" with a prompt to alert the specialist that a fill may be due.

The Auto-Ex feature will operate by comparing the size of the MSE-entered limit order against the amount of stock ahead of that order in the consolidated market. The comparison will be made against the consolidated quote size at the time the MSE limit order is received. Thereafter, the Auto-Ex system will keep track of all prints in the primary market and will automatically execute the limit order once sufficient size prints in the primary market.[3] As additional limit orders at the same price are received by the specialist, comparisons will be made and entered based upon the shares ahead of those limit orders at the time of receipt, including shares ahead on the MSE. The Auto-Ex feature will not permit a limit order to be filled out of sequence. Limit orders will not be compared for Auto-Ex purposes until such time as the limit price becomes the best bid/offer ("BBO") for the first time.[4] The proposal to establish the Auto-Ex feature applies only to limit orders. It is not applicable to marketable limit orders or to market orders.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposal is to further automate the MSE's trading floor functions in order to improve the Exchange's performance in filling limit orders.[5] By providing for automatic execution of limit orders in accordance with existing Exchange rules, the MSE is eliminating the need for the manual operation required of specialists in determining when and to what extent limit orders are due fills based on primary market prints. The manual effort expended by specialists in filling limit orders that have primary market protection is often time-consuming and can result in errors, particularly when trading is busy. The present proposal will, therefore, directly benefit customers because it will result in more timely fills while eliminating errors resulting from manual execution.

Although this proposal will require additional system capacity, the time that specialists now require on the system to perform manual search and execution functions with respect to the execution of limit orders will be eliminated. It is anticipated that the implementation will result in a small net increased use of system capacity; however, the MSE believes that there are no system capacity concerns with respect to the Auto-Ex feature.

The Auto-Ex feature does not change or amend any MSE trading rules, nor will it cause or allow limit orders to be filled under different parameters than under existing rules. Auto-Ex will affect only the manner in which limit orders are filled. The MSE will continue to monitor specialist execution of limit orders through the Market Regulation/Surveillance Department and specialists will continue to be responsible for their books to the same degree as they are now under the manual execution system for limit orders.

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices; promote just and equitable principles of trade; and, help to perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe any burdens will be placed on competition as a result of the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changed Received From Members, Participants or Others

No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments,

[1] A limit order is an order to buy or sell a stated amount of a security at a specified price or at a better price. A limit order is called "marketable" when the prevailing best offer (bid) is equal to or less (greater) than the order price. The proposed rule change does not apply to the execution of marketable limit orders.

[2] The MSE specialist will be the contra-side of all Auto-Ex trades. Conversation between Daniel J. Liberti, Associate Counsel, MSE, and Edith Hallahan, Attorney, Commission, on February 25, 1992.

[3] For example, assume an MSE specialist receives an agency limit order to buy 2,000 shares of ABC at ½. The consolidated quote is ½ bid, ¾ offered; 5,000 shares bid and 5,000 shares offered, meaning there are 5,000 shares ahead of the MSE order. The Auto-Ex system will automatically execute the entire MSE limit order after 7,000 shares print at ½ in the primary market. However, when more than 5,000 but less than 7,000 shares print at ½ in the primary market, the order will be flagged with a flashing prompt to alert the specialist that the order may be due at least a partial fill. See MSE Article XX, Rule 37 governing primary market protection of certain limit orders.

[4] For example, if the consolidated quote is ¼ bid, ½ offered, 4,000 shares bid and 4,000 shares offered, and a specialist receives a limit order to buy 2,000 shares for ⅛, that limit order will not be compared until such time as the ¼ bid is exhausted and the ⅛ bid becomes the best bid. At that time, the size which is disseminated with the ⅛ bid is the size against which the limit order is compared for Auto-Ex purposes.

[5] The proposed rule change is part of the MSE's initiative to improve Exchange performance in filling all orders on the MSE floor. The Exchange is currently addressing improved fills for market orders through the SuperMAX and Enhanced SuperMAX systems. See Securities Exchange Act Release No. 30058 (December 10, 1991), 56 FR 65765 (approving File No. SR-MSE-91-12).

all written statements with respect to the proposed rule change that are filed with the Commission, and all written comunications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to File No. SR-MSE-92-03 and should be submitted by April 8, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6283 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30473; File No. SR-NYSE-92-01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Listing Fees

March 12, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 19, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is revising the fees it charges for the listing of outstanding bond issues.[1] Currently, issuers pay listing fees based on a specified fee schedule.[2] However, a modified fee structure for outstanding issues where the issuer was listing equity on the NYSE for the first time was effective from August 1, 1989 until January 1, 1991.[3] This filing re-institutes the modified fee structure on a permanent basis.

Under the new fee structure, the fee for outstanding issues will be half the dollar amount calculated under the fee schedule for all issuers, whether or not the issuer is listing equity for the first time on the Exchange.[4] The structure also provides for the totaling of par values and the averaging of maturities of outstanding issues where more than one issue is being listed.[5] This method of calculation provides issuers with size discounts for larger issues.[6] In addition, where issuers list two or more outstanding issues, maturities will be averaged, thus providing issuers with lower listing rates for shorter maturities.[7]

To be eligible for this reduced listing fee, otherwise qualified bond issues must have been outstanding at least one year prior to application.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is restructuring its fees for listing outstanding debt by reestablishing its outstanding issues program. These restructured fees acknowledge the distinct characteristics of various categories of debt offerings and enhance the opportunity for their participation, through listing, in the Exchange's public secondary market for debt.

2. Statutory Basis

The statutory basis under the Act is Section 6(b)(4) and its requirements that a national securities exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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[1] A copy of the NYSE's current bond listing fees was attached to the rule filing as Exhibit A, and is available at the NYSE as well as at the Commission. See also NYSE Listed Company Manual, § 902.02.

[2] The initial listing fee for bonds is based on both the maturity and par value of the issue. With respect to outstanding bond issues, maturity refers to the remaining life of the bond. Currently, the fee for outstanding bonds is 50% of the fee calculated pursuant to this schedule, but this reduced fee is available only for 18 months and only to companies listing equity for the first time. *See* note 1 of NYSE Listing Fees, Fixed Income. The NYSE is proposing to delete the 18 month limitation and permanently expand the 50% fee reduction to include all issuers currently listing equities on the NYSE who seek to list outstanding debt issues. Conversation between Donald G. Dueweke, Senior Vice President; NYSE, and Edith Hallahan, Staff Attorney, Commission, on March 5, 1992.

[3] See Securities Exchange Act Release No. 27546 (December 18, 1989), 54 FR 53016 (approving File No. SR-NYSE-89-21). This fee structure was also in effect for an 18 month period ending on July 31, 1989. See Securities Exchange Act Release No. 25313 (February 4, 1988), 53 FR 4088 (approving File No. SR-NYSE-87-50).

[4] Accordingly, at the next printing of the fee schedule, the NYSE will amend note 1 of NYSE Listing Fees, Fixed Income, to read: "Eligible bond issues outstanding at least one year prior to application." See letter from Donald G. Dueweke, Senior Vice President, NYSE, to Mary Revell, Branch Chief, SEC, dated March 5, 1992.

[5] See note 2 of NYSE Listing Fees, Fixed Income.

[6] Example: An issuer lists a 30 year, $500 million issue with 4 years remaining and a 15 year, $350 million issue with 5 years remaining. The proposed fee ($41,500) is less than the fee for the new issue of the same size and maturities ($97,750) and the fee for outstanding issues calculated individually ($48,875).

[7] Example: In the example in note 6, if the remaining life of the $350 million issue is 6 years rather than 5, the remaining life of the total is averaged to 5 years. The fee would be $41,500. If calculated individually, without totaling or averaging maturities, the fee would have been $69,000.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–92–01 and should be submitted by April 8, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6275 Filed 3–17–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel No. IC–18610; 811–5787]

Octagon Funds, Inc.; Application

March 11, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Octagon Funds, Inc.

RELEVANT 1940 ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order of the Commission declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on January 31, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 6, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 275 Commerce Drive, Fort Washington, PA 19034.

FOR FURTHER INFORMATION CONTACT: Eva Marie Carney, Senior Attorney, at (202) 504–2274 or Max Berueffy, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On March 20, 1989, applicant filed a notification of registration on Form N–8A. On that same date, applicant filed a registration statement on Form N–1A pursuant to section 8(b) of the Act, and a registration statement on Form N–1A (File No. 33–27646) pursuant to the Securities Act of 1933 to register an indefinite number of shares of its Common Stock, par value $.00001 per share, of each of the following series: Octagon Quality Income Portfolio, Octagon Aggressive Growth Portfolio, Octagon Money Market Portfolio, Octagon Disciplined Asset Allocation Portfolio, Octagon Market Plus Portfolio and Octagon International ADR Portfolio. The registration statement reflects that applicant's shares were to be offered only to trusts established under an unfunded, non-tax qualified deferred compensation and fee program adopted by entities associated with USF&G Marketing, a wholly owned subsidiary of USF&G Corporation, a publicly-held insurance and financial services holding company, and USF&G Corporation, and that the program was to be made available only to a limited group of these entities' employees and independent contractors. The registration statement became effective on August 2, 1989, and the initial public offering of the shares commenced immediately thereafter.

2. As of the close of business on December 31, 1990, all of applicant's outstanding shares were held by United States Fidelity and Guaranty Company, a wholly owned subsidiary of USF&G Corporation. Immediately following the close of business on December 31, 1990, applicant redeemed all its then-outstanding shares at their net asset value determined using the valuation procedures set forth in its then-current prospectus and statement of additional information, as follows: 504,621.34 shares of the Octagon Quality Income Portfolio at $10.01 per share; 502,461.45 shares of the Octagon Aggressive Growth Portfolio at $9.98 per share; 15,451,815.32 shares of the Octagon Money Market Portfolio at $1.00 per share; 503,104.27 shares of the Octagon Growth and Income Portfolio at $8.66 per share; 501,161.31 shares of the Octagon High Yield Portfolio at $8.36 per share; 503,907.84 shares of the Octagon Disciplined Asset Allocation Portfolio at $9.20 per share; 700,059.33 shares of the Octagon Market Plus Portfolios at $9.17 per share; and 500,568.24 shares of the Octagon International ADR Portfolio at $8.00 per share.

3. Prior to its liquidation on December 31, 1990, applicant sold substantially all of its portfolio securities in open market transactions at market prices. Octagon Aggressive Growth Portfolio, Octagon Growth and Income Portfolio, Octagon Market Plus Portfolio, Octagon Disciplined Asset Allocation Portfolio, and Octagon International ADR Portfolio each incurred brokerage commissions in connection with the sale of their portfolio securities. These investment series incurred a total of $36,734 in such commissions. Applicant's other investment series incurred no brokerage commissions in connection with the sale of their portfolio securities.

4. All expenses relating to applicant's liquidation and the winding-up of its affairs, including legal, accounting, and other general and administrative expenses, were borne by USF&G Corporaton or its affiliates.

5. On June 17, 1991, applicant's Board of Directors adopted resolutions approving its dissolution under Maryland law. On January 23, 1992, applicant filed Articles of Dissolution pursuant to Section 3–401 of the Maryland General Corporation Law with the State Department of Assessments and Taxation of Maryland and was dissolved as a Maryland corporation.

6. Applicant has no assets, liabilities or shareholders. Applicant is not a party to any litigation or administrative proceeding and is not engaged in, nor does it propose to engage in, any business activities other than those

necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6282 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18613; 811-2561]

Vanguard High Yield Stock Fund, Inc., Application

March 12, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Vanguard High Yield Stock Fund, Inc.

RELEVANT ACT SECTION: Section 8(f) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on November 27, 1991, and amended on January 6, 1992, and March 4, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 6, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 1300 Morris Drive, P.O. Box 110, Valley Forge, PA 19482.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Osterman, Staff Attorney, at (202) 272-3016, or Barry D. Miller, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Prior to its dissolution, applicant was an open-end diversified management company organized as a corporation under the laws of the State of Maryland. On January 31, 1975, applicant filed a Notification of Registration pursuant to section 8(a) of the Act and a registration statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. Applicant represents that its registration statement was declared effective on July 19, 1975, and it commenced its initial public offering on the same date.

2. At a meeting on December 18, 1990, applicant's board of directors approved an agreement and plan of reorganization. Applicant filed preliminary proxy materials with the SEC regarding the proposed transaction on January 18, 1991, and filed definitive proxy materials with the SEC on February 28, 1991. Applicant's shareholders approved the reorganization at a special meeting held on April 16, 1991.

3. On April 17, 1991, pursuant to the agreement and plan of reorganization, applicant transferred substantially all of its assets to The Windsor Fund Series of The Windsor Funds, Inc. (the "Acquiror") in exchange for shares of the Acquiror's capital stock.[1] The transfer of applicant's assets in exchange for shares of Acquiror's capital stock was based on the relative net asset value of the funds. Applicant distributed the Acquiror's shares acquired by it in the exchange to its shareholders on a *pro rata* basis.

4. Expenses incurred in connection with the transaction amounted to $21,600, and consisted of accounting fees and printing and processing costs associated with the proxy solicitation. Such expenses were borne by applicant.

5. Applicant was dissolved under the laws of the State of Maryland pursuant to articles of dissolution dated June 10, 1991, and filed with the Maryland Department of Assessments and Taxation on June 20, 1991.

6. As of the date of the application, applicant had no shareholders, assets, or liabilities and was not a party to any litigation or administrative proceeding.

7. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

[1] By letter dated December 20, 1991, counsel for applicant represented that the acquisition was in compliance with the requirements of rule 17a-8 of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6284 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Advisory Committee to the United States Section Inter-American Tropical Tuna Commission; Closed Meeting

The Advisory Committee to the United States section of the Inter-American Tropical Tuna Commission (IATTC) will meet on April 2, 1992, at the Federal Building, Conference Room 3400, 501 West Ocean Boulevard, Long Beach, California. This session will discuss recent developments regarding the problem of dolphin mortality in the eastern Pacific tuna fisheries, as well as the U.S. position in the April 21-23, 1992 special meeting of the IATTC to address this matter. The meeting will begin at 1:30 p.m.

The Advisory Committee meeting will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the upcoming IATTC meeting. Accordingly, the determination has been made to close the session pursuant to section 19(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, section 19(d) and 5 U.S.C. 552 (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. Brian S. Hallman, Deputy Director, Office of Fisheries Affairs (OES/OFA), room 5806, U.S. Department of State, Washington, DC 20520-7818. Mr. Hallman can be reached by telephone on (202) 647-2335 or by FAX on (202) 647-1106.

Dated: March 12, 1992.

David A. Colson,

Deputy Assistant Secretary, Oceans and Fisheries Affairs.

[FR Doc. 92-6254 Filed 3-17-92; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate

designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402–2801; (615) 751–6779.

SUPPLEMENTARY INFORMATION: Under Title IV of the Clean Air Act Amendments, Sec. 402, Public Law 101–549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public hearing, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's DR for its affected utilities units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92–6147 Filed 3–17–92; 8:45 am]

BILLING CODE 8120–02–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Change of Name of Approved Trustee

Notice if hereby given that effective March 31, 1989, First City National Bank of Houston, Houston, Texas, changed its name to First City, Texas-Houston, N.A.

Dated: March 12, 1992.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 92–6214 Filed 3–17–92; 8:45 am]

BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

Denial of Defect Petition for Rulemaking and for a Motor Vehicle Defect Investigation

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Mr. Ralph Hoar submitted a petition dated November 22, 1991, requesting that formal steps be taken to have "LooPo Seatbelt Tension Adjusters" (LooPo) recalled, ban the sale of these and other such slack inducing devices, and issue a consumer warning that slack in belt systems compromises the protection that seat belts are designed to have. The LooPo device is designed to clip onto the upper torso restraint belt so as to limit its tension by preventing complete retraction of the belt.

To support his petition, Mr. Hoar states, "As you may know, all devices that induce seat belt slack have been banned in Australia for a number of years. NHTSA's research has established a clear correlation between belt slack and increased risk of injury. An official warning is overdue that belt slack is hazardous."

In 1989, two petitions were filed with NHTSA addressing tension relieving devices on safety belt systems. In one of the petitions, NHTSA was requested to make a determination that all vehicles with safety belt systems incorporating a "window shade" tension-relieving device contain a defect relating to motor vehicle safety. This petition was denied by the agency at 54 FR 50301, December 5, 1989. The other was a petition for rulemaking asking NHTSA to reexamine its previous decision to permit the installation of "window shade" tension-relieving devices on safety belt systems. The petition argued that these tension-relieving devices will be knowingly or unintentionally misued to introduce excessive slack and seriously compromise the occupant protection offered by the safety belt system.

In response to that petition, NHTSA determined that it was appropriate to reexamine the issue of tension-relieving devices in the context of a rulemaking proceeding. Observations of belt slack recorded in NHTSA's 19-city survey of safety belt use have consistently shown that no more than 2 percent of persons wearing their safety belts have excessive slack in their shoulder belts. In separate studies, the National Transportation Safety Board concluded, based on data from investigations of actual motor vehicle crashes, that occupants of vehicles with tension-relieving devices are not injured more frequently or more seriously than occupants of vehicles whose safety belts do not include any tension-relieving devices.

This reexamination of the issue indicated that there is no demonstrated real-world problem resulting from the use of tension-relieving devices on safety belts. Accordingly, there is no evidence that these devices are being misused to introduce excess belt slack.

The agency has screened its computerized consumer complaint system for instances where add-on tension-relieving devices were alleged to have caused or exacerbated injuries related to vehicle collisions. None were found. Further, the petitioner has provided no specific information to support his contention that tension-relieving devices create an unreasonable risk to safety.

Mr. Hoar's petition requests the agency to recall the subject device. We construe this petition as a request that NHTSA commence a proceeding to determine whether to issue an order concerning the notification and remedy of a defect in the "LooPo Seatbelt Tension Adjusters." The petition does not provide any factual data to support a finding that this device poses a serious safety risk. Separately, we screened NHTSA's computerized complaint database to determine if any reports of problems with tension-relieving devices have been reported. None were found. Under the circumstances, a defect investigation proceeding is not warranted and the petition for a defect investigation is denied.

Mr. Hoar also "petitioned" NHTSA to ban the sale of these and other such slack-inducing devices. Such a ban would be accomplished through a rulemaking process. For the reasons cited above, the agency has determined that the facts would not support issuance of a standard that would ban the sale of these devices.

Finally, Mr. Hoar petitions NHTSA to issue a consumer warning that slack in belt systems compromises the protection that seat belts are designed to provide. NHTSA has previously published consumer information on the role of belt slack in influencing effective crash protection. Mr. Hoar has not provided any new data or information that indicates that additional agency action concerning consumer information is necessary.

Since tension-relieving devices have been used widely over the past 16 years and the "in use" data do not demonstrate increased safety risk, there is no reasonable possibility that a recall order would be issued at the conclusion of an investigation into this issue. Further commitment of resources to pursue rulemaking in this area is also not warranted. Therefore, the petition is denied.

Authority: 15 U.S.C. 1410a delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 13, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-6242 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 10, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1045.
Form Number: None.
Type of Review: Reinstatement.
Title: Conducting 1992 Focus Group Interviews on Federal Tax Forms.
Description: Focus group interviews are necessary to obtain public input on revised and new tax forms. The results will be used to further simplify and improve the forms so that taxpayers will understand them more easily.
Respondents: Individuals or households.
Estimated Number of Respondents: 300.
Estimated Burden Hours Per Respondent: 2 hours.
Frequency of Response: Other (One-time focus group interviews).
Estimated Total Reporting Burden: 600 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6217 Filed 3-17-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 11, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220

Internal Revenue Service

OMB Number: 1545-1283.
Form Number: None.
Type of Review: Reinstatement.
Title: IRS Customer Satisfaction Survey.
Description: Data collected will be used to evaluate adult residents' opinions of products and services provided by the IRS. Data will be used to identify areas needing service quality improvement and to direct improvement efforts.
Respondents: Individuals or households.
Estimated Number of Respondents: 2,900.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: Other (Two times during 1992).
Estimated Total Reporting Burden: 408 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6216 Filed 3-17-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 10, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1278.
Form Number: None.
Type of Review: Reinstatement.
Title: 1992 Filing Season Forms 1040EZ-1 Focus Groups.
Description: A 1992 filing season test of the Form 1040EZ-1 is being conducted among 342,445 taxpayers in the states of Rhode Island, Texas, and Washington. Focus groups will be conducted among test participants in each state to explore taxpayer reactions to the new form in depth.
Respondents: Individuals or households.
Estimated Number of Respondents: 600.
Estimated Burden Hours Per Respondent: 5 minutes.
Frequency of Response: Other (One-time focus groups).
Estimated Total Reporting Burden: 230 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6218 Filed 3-17-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 10, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex,

1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Special Request

The Bureau of the Public Debt is requesting approval from the Office of Management and Budget of this information collection by March 20, 1992 because these tender forms reflect recent changes in the Treasury auction process and need to be available for use by the Federal Reserve Banks.

Bureau of the Public Debt

OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Tender for ____-Week Treasury Bill.
Description: The public auctioning of Treasury bills requires bidders to submit tenders containing certain information such as the par amount of securities bid for, the discount rate desired, and, if applicable, the bidder's net long position in the securities. The information is needed to process the tenders and to ensure compliance with Treasury auction rules.
Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 165,000.
Estimated Burden Hours Per Response: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 84,150 hours.

OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Tender for ____-Year Treasury Note/Bond.
Description: The public auctioning of Treasury notes and bonds requires bidders to submit tenders containing certain information such as the par amount of securities bid for, the yield desired, and, if applicable, the bidder's net long position in the securities. The information is needed to process the tenders and to ensure compliance with Treasury auction rules.
Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 82,500.
Estimated Burden Hours Per Response: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 42,075 hours.
Clearance Officer: Rita DeNagy (202) 447-1315, Bureau of the Public Debt, room 137, DEP Annex, 300 13th Street, SW., Washington, DC 20239-0001.
OMB Reviewer: MIlo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 92-6219 Filed 3-17-92; 8:45 am]
BILLING CODE 4810-40-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 11, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510-0029.
Form Number: TFS 5118.
Type of Review: Extension.
Title: Depositor's Application for Payment of Postal Savings Certificates.
Description: This form is prepared when a depositor has lost, destroyed or misplaced his Postal Savings certificates. Form properly completed and signed replaces unavailable certificates to support application for payment. If original certificates show up document prevents payments from being made.
Respondents: Individuals or households.
Estimated Number of Respondents: 250.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 63 hours.

OMB Number: 1510-0038.
Form Number: TFS 6114.
Type of Review: Extension.
Title: More Information Letter.
Description: This form is prepared when information in an inquiry about Postal Savings is insufficient to make a search of files and records.
Respondents: Individuals or households.
Estimated Number of Respondents: 375.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: Other (as needed),
Estimated Total Reporting Burden: 94 hours.
Clearance Officer: Jacqueline R. Perry (301) 436-6453, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92-6220 Filed 3-17-92; 8:45 am]
BILLING CODE 4810-35-M

Customs Service

[T.D. 92-27]

Determination That Merchandise Imported From the People's Republic of China Is Being Produced by Convict, Forced or Indentured Labor

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Determination that merchandise is subject to 19 U.S.C. 1307.

SUMMARY: This document advises that the Commissioner of Customs, with the approval of the Secretary of the Treasury, has determined that certain diesel engines manufactured by the Golden Horse ("JINMA") Diesel Engine Factory, identified and/or marketed under the "JINMA" brand name, which are being, or are likely to be, imported into the United States from the People's Republic of China (PRC), are being manufactured with the use of convict labor and/or forced labor and/or indentured labor. The Commissioner of Customs, pursuant to 19 CFR 12.42(f) has determined, on the basis of a Customs investigation, that such merchandise is being, or is likely to be imported into the United States in violation of section 307 of the Tariff Act of 1930, as amended. As such importations of the aforementioned engines shall be considered and treated as prohibited by section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307), unless pursuant to CFR 12.42(g), the importer establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified herein.

DATES: This determination shall take effect March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Harvey B. Fox, Director, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229, (202) 566–2507.

SUPPLEMENTARY INFORMATION:

Background

Section 307, Tariff Act of 1930, as amended (19 U.S.C. 1307), provides in pertinent part:

> All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Forced labor is defined to mean: all work or service which is extracted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. See, 29 U.S.C. 1307.

Pursuant to section 307, the Secretary of the Treasury promulgated implementing regulations found at 19 CFR 12.42, *et seq.* These regulations set forth the procedure for the Commissioner of Customs to make a finding that an article is being, or is likely to be imported into the United States which is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the purview of 19 U.S.C. 1307.

Paragraph (f) of § 12.42, Customs Regulations (19 CFR 12.42(f)), provides that if the Commissioner of Customs finds that merchandise within the purview of 19 U.S.C. 1307 is being, or is likely to be, imported, [s]he will, with the approval of the Secretary of the Treasury, publish a finding to that effect in a weekly issue of the Customs Bulletin and in the **Federal Register.**

Finding

Pursuant to § 12.42(f), Customs Regulations (19 CFR 12.42(f)), it is hereby determined that certain articles of the People's Republic of China are being, or likely to be, imported into the United States, which are being mined, produced, or manufactured with the use of convict, forced, or indentured labor.

Accordingly, merchandise, subject to this finding and indicated below, shall be denied entry, at all ports of entry and/or release from warehouse for consumption shall be prohibited. Based upon this finding, Customs officers shall withhold release of any of these articles from the People's Republic of China, otherwise than for exportation.

Articles	Item No. from the Harmonized Tariff Schedule (19 U.S.C. 1202)
Diesel Engines manufactured by Golden Horse ("JINMA") Factory	8408.10.00—8408.90.90

Approved: January 27, 1992.

Carol Hallett,

Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92–6221 Filed 3–17–92; 8:45 am]

BILLING CODE 4820–02–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Tuesday, March 24, 1992.

SUMMARY: .

PLACE: Vista Hotel, 1400 M Street, NW., Washington, DC 20005.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Finance Board will be hosting a meeting of the Advisory Council of the Federal Home Loan Bank System. Matters to be considered are the following:

1. Report on FHLBank System's Financial Status.
2. Legislative Update.
3. Annual Reports from Advisory Council Representatives.

The above matters are exempt under one or more of sections 552b(c) (2), (6), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c) (2), (6), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 92–6458 Filed 3–16–92; 2:50 pm]

BILLING CODE 6725–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Wednesday, March 25, 1992.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC: The Board will consider the following:

1. Monthly Reports—
   A. District Banks Directorate
   B. Housing Finance Directorate

PORTIONS CLOSED TO THE PUBLIC: The Board will consider the following:

1. Approval of the February Board Minutes
2. Legislative/Strategic Discussion—
   A. Legislative Update
   B. System Efficiencies Task Force Update
3. Advances Issues
4. District Bank Presidents' Compensation
5. Examination Report
6. Credit Product Developments
7. District Board Outreach
8. Board Management Issues

The above matters are exempt under one or more of sections 552b(c)(2), (6), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (6), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 92–6459 Filed 3–16–92; 2:50 pm]

BILLING CODE 6725–01–M

MARINE MAMMAL COMMISSION

TIME AND DATE: The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will meet in executive session on Thursday, April 30, 1992, from 8:30 a.m. to 10:00 a.m. The public sessions of the Commission and the Committee meeting will be held on Thursday, April 30, from 10:00 a.m. to 5:30 p.m., on Friday, May 1, from 9:00 a.m. to 6:00 p.m., and on Saturday, May 2, from 8:30 a.m. to 1:00 p.m.

PLACE: The Sheraton Tallahassee Hotel, 101 South Adams Street, Tallahassee, Florida 32301.

STATUS: The executive session will be closed to the public. At it, matters relating to budget, personnel, internal practices of the Commission, and international negotiations in process will be discussed. All other portions of the meeting will be open to public observation. Public participation will be allowed if time permits and it is determined to be desirable by the Chairman.

MATTER TO BE CONSIDERED: The Commission and Committee will meet in public session to discuss a broad range of marine mammal matters. The primary focus of the meeting will be the conservation and recovery of the West Indian manatee. Among other matters the Commission plans to consider at the meeting are: high seas driftnet fisheries; marine mammal die-offs; the International Whaling Commission; the Mineral's Management Service's Gulf of Mexico marine mammal program; and progress on conservation and recovery plans.

SUPPLEMENTARY INFORMATION: This is a second notice of the Commission's 1992 meeting and does not constitute any significant change in the scheduling, location, or agenda of the meeting as originally published in the January 15, 1992 (57 FR 1793) notice.

CONTACT PERSON FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1825 Connecticut Avenue, N.W., Room 514, Washington, D.C. 20009, 202/606–5504.

Dated: March 13, 1992.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 92–6364 Filed 3–16–92; 11:25 am]

BILLING CODE 6820–31–M

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 57, No. 39/Thursday, February 27, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., Tuesday, March 3, 1992.

CHANGE IN MEETING: A majority of the Board Members determined by recorded vote that the business of the Board required amending the agenda to include civil penalties as a topic for discussion at a closed portion of the meeting at this time and that no earlier announcement was possible.

FOR MORE INFORMATION, CONTACT: Bea Hardesty, (202) 382–6525.

Dated: March 12, 1992.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 92–6375 Filed 3–16–92; 12:38 pm]

BILLING CODE 7533–01–M

Corrections

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 82F-0295]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium

Correction

In rule document 92-4425, beginning on page 6667, in the issue of Thursday, February 27, 1992, make the following corrections:

1. On page 6667, in the third column, in the first line, "objectives" should read "objections".

2. On page 6671, in the first column, in the first full paragraph, in the sixth line, "rat" should read "rare".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Rural Health Research Centers

Correction

In notice document 92-5221 beginning on page 8129 in the issue of Friday, March 6, 1992, make the following correction:

On page 8131, in the first column, under **"Other Information"**, in the second line, insert "indirect" after "plus".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-030-02-4212-11]

Realty Action; ID

Correction

In notice document 92-4554 beginning on page 6851, in the issue of Friday, February 28, 1992, make the following corrections:

1. On page 6851, in the third column, under T. 8 S., R. 36 E., in Sec. 22, in the second line, "E½NW¼SW¼;" should read "E½NW¼SE¼;

2. On the same page, in the same column, in the last line, "Sec. 36." should read "Sec. 26,".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Thermal Hydraulic Phenomena; Meeting

Correction

In notice document 92-5528, appearing on page 8495, in the issue of Tuesday, March 10, 1992, in the 2d column, in the 14th line, "6:30 a.m." should read "8:30 a.m.".

BILLING CODE 1505-01-D

federal register

Wednesday
March 18, 1992

Part II

Environmental Protection Agency

Pesticide Reregistration; Outstanding Data Requirements for List B Active Ingredients (Fourth Notice)

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34024; FRL 4049-6]

Pesticide Reregistration: Outstanding Data Requirements for Certain List B Active Ingredients (Fourth Notice)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1988 establishes a five-phase process for the reregistration of pesticide products containing active ingredients "contained in any pesticide first registered before November 1, 1984." During Phase 1 the Environmental Protection Agency (the Agency) divided the active ingredients subject to reregistration into four lists; List B was published in the **Federal Register** (54 FR 22706) on May 25, 1989. FIFRA requires the Administrator during Phase 4 of reregistration to publish the outstanding data requirements identified for those active ingredients being supported for reregistration. The outstanding data requirements of 74 List B active ingredients were published by the Agency among three previous **Federal Register** Notices at 56 FR 6849, February 20, 1991; 56 FR 3710, August 7, 1991; and 56 FR 54852, October 23, 1991. This fourth Notice continues the series by reporting the outstanding data requirements of 55 additional List B active ingredients. Remaining supported List B active ingredients are on a later reregistration schedule and their unfulfilled data requirements will be published in a future Notice.

FOR FURTHER INFORMATION CONTACT: By mail, Denise Greenway, Special Review and Reregistration Division (H-7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202. Telephone No. (703) 308-8179.

SUPPLEMENTARY INFORMATION: This Notice identifies, pursuant to FIFRA section 4(f)(1)(B), the outstanding data requirements needed for reregistration of certain of the active ingredients on List B. That section also calls for the separate issuance of Data Call-In notices to registrants to obtain information satisfying these data requirements. The Agency has recently issued such Data Call-In notices to the appropriate registrants.

This SUPPLEMENTARY INFORMATION is divided into four units. Unit I provides background information on pesticide reregistration. Unit II discusses the requirements of section 4(f)(1)(B). Unit III describes the process used by the Agency in identifying outstanding data requirements. It also contains a table of the outstanding data requirements for each active ingredient. Unit IV describes the Data Call-In notices that have been issued to obtain data to satisfy the data requirements identified in this Notice.

I. Background

Section 4 of FIFRA as amended in 1988 required the Agency to conduct pesticide reregistration of older pesticides in five phases. In Phase 1, the Agency published Lists A, B, C, and D of pesticide active ingredients subject to reregistration. For Lists B, C, and D in Phase 2, registrants seeking reregistration had to identify for the Agency any data requirements which registrants believe would apply to their active ingredients, and indicate the ones that they thought were now satisfied. For those that were not satisfied, registrants had to indicate how they would fulfill the remaining data requirements necessary for the reregistration of their products. In Phase 3, these registrants summarized and in some cases reformatted studies that they believed were adequate and that they had previously submitted to the Agency. In Phase 4, the Agency is directed to review the materials submitted by registrants in Phases 2 and 3, and to identify the outstanding data requirements that need to be fulfilled in order for the Agency to determine whether or not pesticides containing particular active ingredients are eligible for reregistration. The Agency is further directed to issue Data Call-In notices to obtain data to satisfy these outstanding requirements. Finally, in Phase 5, the Agency must review the data submitted by registrants; determine whether pesticides containing particular active ingredients are eligible for reregistration; obtain product-specific information needed to determine whether particular products should be reregistered; and make final determinations on whether such products should be reregistered. The final determination on reregistration is to be based on whether a pesticide meets the standards of FIFRA section 3(c)(5), which prescribes the standards for initial registration of pesticides. If the Administrator determines that a pesticide should not be reregistered, section 4 directs the Administrator to take appropriate regulatory action.

Pursuant to FIFRA section 4(c)(2)(B) the Agency published in the **Federal Register** on May 25, 1989, a list of 229 chemicals (in 149 review cases) constituting List B of reregistration. The Agency then sent guidance on how to comply with Phase 2 of reregistration to all registrants of pesticides containing active ingredients on List B. Registrants were required by August 25, 1989, to inform EPA of their intent to seek or not to seek reregistration, to identify data requirements they believe applied to their active ingredients in their products, to identify the data requirements for which they have already submitted adequate data, and to commit to replace missing or inadequate data concerning the List B active ingredients contained in their products.

To assist registrants in complying with Phase 3, the Agency issued on December 24, 1989 the FIFRA Accelerated Reregistration —Phase 3 Technical Guidance (EPA No. 540/09-90-078). This document provides detailed instructions on: (i) Summarizing studies, (ii) reformatting studies, (iii) identifying adverse information, and (iv) identifying previously submitted studies that may not fully satisfy current requirements. To meet the requirements for Phase 3, registrants were required to submit summaries of previously submitted studies that they wished to rely on for reregistration. Additionally, for studies submitted prior to January 1, 1982, registrants had to submit a reformatted version of the study, if data were for certain toxicological and residue chemistry guidelines. Registrants were to certify that the raw data for the previously submitted studies were either in their possession, or in the possession of the Agency, or were readily accessible elsewhere. Registrants were to identify and submit any data considered under section 6(a)(2) to show an adverse effect of the pesticide. Also, registrants were to identify any other information they considered to be supportive of registration. And registrants had to commit to fill any new data gaps identified by them. FIFRA required that these actions be completed by registrants of products containing List B chemicals by May 25, 1990.

In Phase 4, the Agency has been conducting a review of the adequacy of the data submitted by registrants for active ingredients on List B during Phases 2 and 3 and in compliance with any Data Call-In notices previously issued under section 3(c)(2)(B) of FIFRA. The purpose of the Agency's review was to systematically identify all data requirements for active ingredients that, based on information available to the Agency at this time, are necessary for a determination of eligibility for reregistration. For many active

ingredients, registrants may have already committed to meet some of those requirements but have not yet submitted the results of their studies to the Agency. Concurrently, to effect the submission of those data for which commitments have not yet been made, the Agency issued Data Call-In notices to affected registrants for the additional data required by the Agency. This Notice identifies the outstanding data requirements for 55 active ingredients. It includes any new data requirements identified that are the subject of Data Call-In notices being sent to affected registrants, as well as any other prior commitments of unfulfilled data requirements. Collection of this information is authorized under the Paperwork Reduction Act by the Office of Management and Budget under OMB Control No. 2070-0107.

II. Outstanding Data Requirements

Section 4 (f)(1)(B) of FIFRA requires the Agency to publish this Notice of outstanding data requirements for each active ingredient on Reregistration List B. The Agency has been conducting a review of the information provided on all List B submissions on record for data adequacy and completeness, and has identified in this followup Notice a partial list of those chemicals with outstanding data requirements. Section 2(ff) of FIFRA defines outstanding data requirements as "a requirement for any study, information, or data that is necessary to make a determination under section 3(c)(5) and which study, information, or data — (A) has not been submitted to the Administrator; or (B) if submitted to the Administrator, the Administrator has determined must be resubmitted because it is not valid, complete, or adequate to make a determination under section 3(c)(5) and the regulations and guidelines issued under such section."

For purposes of the **Federal Register** Notice, outstanding data requirements include all requirements identified by the Agency which have yet to be satisfied at the active ingredient level, before or pursuant to Phases 2, 3, and 4 of reregistration. If registrants committed during Phases 2 and 3 or pursuant to prior actions to submit data to fulfill certain data requirements, and the data have not yet been submitted, the Agency is identifying them as outstanding. Upon review of the completed studies submitted either in response to earlier Data Call-In notices or as part of the reregistration process, the Agency may need to call in some additional studies before a final determination on reregistration can be made.

As in the previous **Federal Register** Notices, the following Table 1 provides a complete listing of the Guideline Reference Numbers (GRN) and corresponding titles for the data requirements referred to in this Notice.

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS

Guideline Reference No.	Test of Study
61-1	Product Identification and Disclosure of Ingredients[1]
61-2(a)	Description of Beginning Materials and Manufacturing Process[2]
61-2(b)	Discussion of Formation of Impurities[3]
62-1	Preliminary Analysis[4]
62-2	Certification of Limits[5]
62-3	Analytical Methods to Verify Certified Limits[6]
Physical and Chemical Characteristics[7]	
63-2	Color
63-3	Physical State
63-4	Odor
63-5	Melting Point
63-6	Boiling Point
63-7	Density, Bulk Density, or Specific Gravity
63-8	Solubility
63-9	Vapor Pressure
63-10	Dissociation Constant
63-11	Octanol/Water Partition Coefficient
63-12	pH
63-13	Stability
63-14	Oxidizing or Reducing Action
63-15	Flammability
63-16	Explodability
63-17	Storage Stability
63-18	Viscosity
63-19	Miscibility
63-20	Corrosion Characteristics
63-21	Dielectric Breakdown Voltage
64-1	Submittal of Samples
Wildlife and Aquatic Organisms Data Requirements[8]	
71-1(a)	Acute Avian Oral Toxicity (LD50) in Bobwhite Quail or Mallard Duck
71-1(b)	Acute Avian Oral Toxicity (LD50) in Bobwhite Quail or Mallard Duck (Using Typical End-Use Product)
71-2(a)	Acute Avian Dietary Toxicity (LC50) in Bobwhite Quail
71-2(b)	Acute Avian Dietary Toxicity (LC50) in Mallard Duck
71-3	Wild Mammal Toxicity Test
71-4(a)	Avian Reproductive Toxicity in Bobwhite Quail
71-4(b)	Avian Reproductive Toxicity in Mallard Duck
71-5(a)	Simulated Terrestrial Field Study
71-5(b)	Actual Terrestrial Field Study
72-1(a)	Fish Toxicity in Bluegill Sunfish
72-1(b)	Fish Toxicity in Bluegill Sunfish (Using Typical End-Use Product)
72-1(c)	Fish Toxicity in Rainbow Trout
72-1(d)	Fish Toxicity in Rainbow Trout (Using Typical End-Use Product)

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Test of Study
72-2(a)	Invertebrate Toxicity Freshwater LC50 (*Daphnia* Preferred)
72-2(b)	Invertebrate Toxicity Freshwater LC50 (*Daphnia* Preferred-Using Typical End-Use Product)
72-3(a)	Toxicity to Estuarine and Marine Organisms (in Fish)
72-3(b)	Toxicity to Estuarine and Marine Organisms (in Mollusks)
72-3(c)	Toxicity to Estuarine and Marine Organisms (in Shrimp)
72-3(d)	Toxicity to Estuarine and Marine Organisms (in Fish - Using Typical End-Use Product)
72-3(e)	Toxicity to Estuarine and Marine Organisms (in Mollusks - Using Typical End-Use Product)
72-3(f)	Toxicity to Estuarine and Marine Organisms (in Shrimp - Using Typical End-Use Product)
72-4(a)	Early Life Stage in Fish
72-4(b)	Life Cycle in Aquatic Invertebrates (*Daphnia*/Mysid)
72-5	Fish Life Cycle Study
72-6	Aquatic Organism Accumulation Study
72-7(a)	Simulated Field Tests for Aquatic Organisms
72-7(b)	Actual Field Tests for Aquatic Organisms
Toxicology Data Requirements[9]	
81-1	Acute Oral Toxicity in the Rat
81-2	Acute Dermal Toxicity
81-3	Acute Inhalation Toxicity in the Rat
81-4	Primary Eye Irritation in the Rabbit
81-5	Primary Dermal Irritation
81-6	Dermal Sensitization
81-7	Acute Delayed Neurotoxicity in the Hen
82-1(a)	90-Day Feeding Study in the Rodent
82-1(b)	90-Day Feeding Study in the Non-Rodent
82-2	21-Day Dermal
82-3	90-Day Subchronic Dermal
82-4	90-Day Inhalation in Rat
82-5(a)	90-Day Neurotoxicity in Hen
82-5(b)	90-Day Neurotoxicity in the Mammal (Rat Preferred)
83-1(a)	Chronic Feeding Study in the Rodent
83-1(b)	Chronic Feeding Study in the Non-Rodent
83-2(a)	Oncogenicity Study in the Rat
83-2(b)	Oncogenicity Study in the Mouse
83-3(a)	Teratogenicity in the Rat
83-3(b)	Teratogenicity in the Rabbit
83-4	2-Generation Reproduction Study in the Rat
83-5	Chronic Feeding/Oncogenicity in the Rat
84-2(a)	Gene Mutation
84-2(b)	Structural Chromosome Aberration
84-4	Other Genotoxic Effects
85-1	General Metabolism
85-2	Dermal Penetration
86-1	Domestic Animal Safety
Plant Protection Data Requirements[10]	
Tier 1	
122-1(a)	Seed Germination and Seedling Emergence
122-1(b)	Vegetative Vigor
122-2	Aquatic Plant Growth
Tier 2	
123-1(a)	Seed Germination and Seedling Emergence
123-1(b)	Vegetative Vigor
123-2	Aquatic Plant Growth
Tier 3	
124-1	Terrestrial Field
124-2	Aquatic Field
Reentry Protection Data Requirements[11]	
132-1(a)	Foliar Residue Dissipation
132-1(b)	Soil Residue Dissipation
133-3	Dermal Passive Dosimetry Exposure
133-4	Inhalation Passive Dosimetry Exposure
Non-Target Insect Data Requirements[12]	
141-1	Honey Bee Acute Contact (LD50)
141-2	Honey Bee Toxicity of Residues on Foliage
141-5	Field Testing for Pollinators
Biochemical Pesticides Data Requirements[13]	
(a) Product Analysis Data Requirements	
151-10	Product Identity
151-11	Manufacturing Process
151-12	Discussion of Formation of Unintentional Ingredients
151-13	Analysis of Samples
151-15	Certification of Limits
151-16	Analytical Methods

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Test of Study
151-17(a)	Color
151-17(b)	Physical State
151-17(c)	Odor
151-17(d)	Melting Point
151-17(e)	Boiling Point
151-17(f)	Density, Bulk Density, Specific Gravity
151-17(g)	Solubility
151-17(h)	Vapor Pressure
151-17(i)	pH
151-17(j)	Stability
151-17(k)	Flammability
151-17(l)	Storage Stability
151-17(m)	Viscosity
151-17(n)	Miscibility
151-17(o)	Corrosion Characteristics
151-17(p)	Octanol/Water Partition Coefficient
151-18	Submittal of Samples
(b) Residue Data Requirements	
153-3(a)	Chemical Identity
153-3(b)	Directions for Use
153-3(c)	Nature of the Residue (plants)
153-3(d)	Nature of the Residue (livestock)
153-3(e)	Residue Analytical Method
153-3(f)	Magnitude of the Residue (crop field trials)
153-3(g)	Magnitude of the Residue (processed food/feed)
153-3(h)	Magnitude of the Residue (meat/milk/poultry/eggs)
153-3(i)	Magnitude of the Residue (potable water)
153-3(j)	Magnitude of the Residue (fish)
153-3(k)	Magnitude of the Residue (irrigated crops)
153-3(l)	Magnitude of the Residue (food handling)
153-3(m)	Reduction of Residue
153-3(n)	Proposed Tolerance
153-3(o)	Reasonable Grounds in Support of the Petition
(c) Toxicology Data Requirements	
Tier 1	
152-10	Acute Oral Toxicity
152-11	Acute Dermal Toxicity
152-12	Acute Inhalation
152-13	Primary Eye Irritation
152-14	Primary Dermal Irritation
152-15	Hypersensitivity Study
152-16	Hypersensitivity Incidents
152-17	Studies to Detect Genotoxicity
152-18	Immunotoxicity
152-20	90-Day Feeding
152-21	90-Day Dermal
152-22	90-Day Inhalation
152-23	Teratogenicity
Tier II	
152-19	Mammalian Mutagenicity Tests
152-24	Immune Response
Tier III	
152-26	Chronic Exposure
152-29	Oncogenicity
(d) Nontarget Organism, Fate and Expression Data Requirements	
Tier I	
154-6	Avian Acute Oral
154-7	Avian Dietary
154-8	Freshwater Fish LC50
154-9	Freshwater Invertebrate LC50
154-10	Nontarget Plant Studies
154-11	Nontarget Insect Testing
Tier II	
155-4(a)	Volatility Study (Lab)
155-4(b)	Volatility Study (Field)
155-5	Dispenser-Water Leaching
155-6	Adsorption-Desorption
155-7	Octanol-Water Partition
155-8	U.V. Absorption
155-9	Hydrolysis
155-10	Aerobic Soil Metabolism
155-11	Aerobic Aquatic Metabolism
155-12	Soil Photolysis
155-13	Aquatic Photolysis
Tier III	
154-12	Terrestrial Wildlife Testing
154-13	Aquatic Animal Testing

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Test of Study
154–14	Nontarget Plant Studies
154–15	Nontarget Insect Testing
Environmental Fate Data Requirements[14]	
160–5	Chemical Identity (See also 61–1)
161–1	Hydrolysis
161–2	Photodegradation in Water
161–3	Photodegradation on Soil
161–4	Photodegradation in Air
162–1	Aerobic Soil Metabolism Study
162–2	Anaerobic Soil Metabolism Study
162–3	Anaerobic Aquatic Metabolism Study
162–4	Aerobic Aquatic Metabolism Study
163–1	Leaching and Adsorption/Desorption
163–2	Laboratory Volatility Study
163–3	Field Volatility Study
164–1	Soil Field Dissipation Study
164–2	Aquatic Sediment Field Dissipation Study
164–3	Forestry Field Dissipation Study
164–4	Combinations and Tank Mixes
164–5	Long Term Soil Dissipation Study
165–1	Confined Rotational Crop Study
165–2	Field Rotational Crop Study
165–3	Accumulation in Irrigated Crops
165–4	Accumulation in Fish
165–5	Accumulation in Aquatic Non-Target Organisms
Groundwater Studies Data Requirements[15]	
166–1	Small Scale Prospective Groundwater Monitoring Study
166–2	Small Scale Retrospective Groundwater Monitoring Study
166–3	Large Scale Retrospective Groundwater Monitoring Study
Residual Chemistry Data Requirements[16]	
171–2	Chemical Identity
171–3	Directions For Use
171–4(a)	Nature of Residue in Plants
171–4(b)	Nature of Residue in Livestock
171–4(c)	Residue Analytical Method (Plants)
171–4(d)	Residue Analytical Method (Animals)
171–4(e)	Storage Stability
171–4(f)	Magnitude of the Residue in Potable Water
171–4(g)	Magnitude of the Residue in Fish
171–4(h)	Magnitude of the Residue in Irrigated Crops
171–4(i)	Magnitude of the Residue in Food Handling
171–4(j)	Magnitude of the Residue in Meat/Milk/Poultry/Eggs (Feeding/Dermal Treatment)
171–4(k)	Crop Field Trials
171–4(l)	Magnitude of the Residue in Processed Food/Feed
171–5	Reduction of Residues
171–6	Proposed Tolerance
171–7	Reasonable Grounds in Support of Petition
171–13	Analytical Reference Standard
Spray Drift Data Requirements[17]	
201–1	Droplet Size Spectrum
202–1	Drift Field Evaluation

[1] 40 CFR 158.155: Product Composition; Subdivision D, Product Chemistry: NTIS PB83–153890; Addendum 1, NTIS PB88–191705

[2] 40 CFR 158.160: Description of Materials Used to Produce the Product; 40 CFR 158.162: Description of Production Process; 40 CFR 158.165: Description of Formulation Process; Subdivision D, Product Chemistry: NTIS PB83–153890; Addendum 1, NTIS PB88–1917O5.

[3] 40 CFR 158.167: Discussion of Formation of Impurities; Subdivision D, Product Chemistry: NTIS PB83–153890; Addendum 1, NTIS PB88–191705.

[4] 40 CFR 158.170: Preliminary Analysis; Subdivision D, Product Chemistry: NTIS PB 83–153890; Addendum 1, NTIS PB88–191705.

[5] 40 CFR 158.175: Certified Limits; Subdivision D, Product Chemistry: NTIS PB83–153890; Addendum 1, NTIS PB88–191705.

[6] 40 CFR 158.180: Enforcement Analytical Method; Subdivision D, Product Chemistry: NTIS PB83–153890; Addendum 1, NTIS PB88–191705.

[7] 40 CFR 158.190: Physical and Chemical Characteristics; Subdivision D, Product Chemistry: NTIS PB83–153890; Addendum 1, NTIS PB88–191705.

[8] 40 CFR 158.490; Subdivision E, Hazard Evaluation: Wildlife and Aquatic Organisms, NTIS PB83–153908; Addendum 1, NTIS PB86–248176; Addendum 2, PB87–207700; Addendum 3, NTIS PB88–117288.

[9] 40 CFR 158.340; Subdivision F, Hazard Evaluation: Human and Domestic Animals, NTIS PB83–153916 (old); NTIS PB86–108958 (revised); Addendum 1, NTIS PB86–248184; Addendum 2, NTIS PB88–162292; Addendum 3, NTIS PB88–161179; Addendum 4, NTIS PB88–162227; Addendum 5, NTIS PB88–162219; Addendum 6, NTIS PB89–124077; Addendum 7, NTIS PB89–124085; Position Document, Maximum Tolerated Dose, NTIS PB88–116736.

[10] 40 CFR 158.540; Subdivision J, Hazard Evaluation: Non-Target Plants, NTIS PB83–153940.

[11] 40 CFR 158.390: Exposure; Subdivision K, Reentry Protection: NTIS PB83–153940.

[12] 40 CFR 158.590; Subdivision L, Hazard Evaluation: Non-Target Insect, NTIS PB83–153957; Addendum 1, NTIS PB86–117296.

[13] 40 CFR 158.690: Biochemical Pesticides Data Requirements; Subdivision M, Biorational Pesticides: NTIS PB83–153965.

[14] 40 CFR 158.290; Subdivision N, Chemistry: Environmental Fate, NTIS PB83–153973; Addendum 1, NTIS PB86–247848; Addendum 2, NTIS PB87–208393; Addendum 3, NTIS PB88–159892; Addendum 4, NTIS PB88–159900; Addendum 5, NTIS PB88–161187; Addendum 6, NTIS PB88–161195; Addendum 7, NTIS PB88–191721; Addendum 8, NTIS PB88–191739.

[15] Pesticide Assessment Guidelines for groundwater studies are being developed; for further information, contact EPA's Office of Pesticide Programs, Environmental Fate and Effects Division, Environmental Fate and Groundwater Branch.

[16] 40 CFR 158.240; Subdivision O, Residue Chemistry: NTIS PB83–153961; Addendum 1, NTIS PB86–203734; Addendum 2, NTIS PB86–248192; Addendum 3, NTIS PB87–208641; Addendum 4, NTIS PB88–117270; Addendum 5, NTIS PB88–124003; Addendum 6, NTIS PB88–191713; Addendum 7, NTIS PB89–124598; Addendum 8, NTIS PB89–124606.

[17] 40 CFR 158.440; Subdivision R, Pesticide Spray Drift Evaluation: NTIS PB84–189216.

For further information and descriptions regarding specific data requirements, criteria for testing, and general guidance on data acceptability, consult the FIFRA Accelerated Reregistration—Phase 3 Technical Guidance document (December 24, 1989), and the Pesticide Assessment Guidelines available from the National Technical Information Service (NTIS), Attn: Order Desk, 5285 Port Royal Road, Springfield, VA 22161 (Tel: 703-487-4650).

III. Partial Listing of List B Active Ingredients Outstanding Data Requirements

The pesticide reregistration effort under section 4 has proved to be a monumental undertaking requiring significant effort and resources from both the Agency and the pesticide industry. The Agency received approximately 200 List B Phase 3 submissions for review of data requirements under Phase 4. The amount of data submitted by registrants was voluminous, and differed widely by active ingredient, the number of registrants supporting an ingredient, and the number and type of summaries and reformatted studies. In total this group of submissions contained some 5000 summaries, reformatted studies, and complete studies, and a similar number of study waiver requests that had to be reviewed and acted upon by the Agency.

For a variety of reasons EPA's issuance of the reregistration data requirements for active ingredients on List B was delayed beyond the statutory deadline of October 24, 1990. To fulfill its commitments in Phase 4 the Agency decided to publish a series of **Federal Register** notices and issue Data Call-In notices for groups of active ingredients as their outstanding data requirements are identified. The outstanding data requirements of 74 List B active ingredients were published by the Agency among three previous **Federal Register** Notices at 56 FR 6849, February 20, 1991; 56 FR 3710, August 7, 1991; and 56 FR 54852, October 23, 1991. This fourth Notice continues the series by reporting the outstanding data requirements of 55 additional List B active ingredients. Remaining supported List B active ingredients are on a later reregistration schedule and their unfulfilled data requirements will be published in a future Notice.

The 149 List B cases involving 229 active ingredients, originally published in the **Federal Register** in May 1989, have been reduced to 105 cases and 141 active ingredients as of this date. Of these, 129 active ingredients in 101 cases have completed the Phase 4 reregistration schedule. An additional 7 active ingredients in 5 cases previously unsupported in Phase 2 are now supported, and will be on a later reregistration schedule. Products containing the unsupported active ingredients have been cancelled.

The following Table 2 contains 55 List B active ingredients with data requirements that are unfulfilled by registrants at this time.

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2055	035601	Bis(trichloromethyl)sulfone	63-8, 63-9, 63-10, 63-11, 63-12, 72-3(c), 72-4(a), 72-4(b), 81-1, 81-3, 82-5(b), 83-3(b), 84-4, 161-2, 162-3, 162-4, 163-1, 164-2
2070	035301	3,5-Dibromo-4-hydroxybenzonitrile	71-4(a), 71-4(b), 81-3, 81-6, 82-2, 83-2(b), 84-2(b), 122-1(a), 122-1(b), 122-2, 171-4(d), 171-4(j), 171-4(k), 171-4(l)
2070	035302	Bromoxynil octanoate	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-8, 63-9, 63-11, 63-13, 71-4(a), 71-4(b), 72-3(a), 72-3(b), 72-3(c), 72-4(a), 72-4(b), 72-5, 81-3, 81-6, 82-1(a), 82-1(b), 82-2, 84-2(a), 84-2(b), 84-4, 85-1, 123-1(a), 123-1(b), 123-2, 160-5, 161-2, 161-3, 162-2, 162-4, 163-1, 164-2, 164-5, 165-2, 165-4, 171-2, 171-4(a), 171-4(b), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2075	106501	4-(1,1-Dimethylethyl)-*N*-(1-methylpropyl)-2,6-dinitro-benzeneamine	61-2(a), 61-2(b), 63-7, 63-8, 63-9, 63-11, 63-13, 72-2(a), 81-1, 81-2, 81-6, 83-3(a), 83-3(b), 162-1, 163-1, 164-1, 165-4, 171-2, 201-1, 202-1
2080	012501	Cacodylic acid	62-1, 62-2, 62-3, 63-8, 63-13, 72-3(a), 72-3(b), 72-3(c), 82-4, 85-1, 85-2, 162-1, 162-3, 162-4, 164-1, 164-2, 165-1, 165-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2080	012502	Sodium cacodylate	62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-7, 63-8, 63-13, 72-3(a), 72-3(b), 72-3(c), 82-4, 85-1, 85-2, 162-1, 162-3, 162-4, 164-1, 164-2, 165-1, 165-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2110	021202	2-(*m*-Chlorophenoxy)propionic acid, sodium salt	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-13, 71-1(a), 71-2(a), 72-1(a), 72-2(a), 82-1(a), 82-1(b), 83-1(a), 83-1(b), 83-2(a), 83-2(b), 83-3(a), 83-4, 84-2(b), 122-2, 160-5, 161-1, 161-2, 161-3, 162-1, 162-2, 163-1, 171-2, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2170	279500	*N*-Chloroacetyl-*N*-(2,6-diethylphenyl)glycine, ethyl ester	81-1, 81-4, 81-5, 82-2, 83-4, 123-1(a), 123-1(b), 123-2, 161-2, 171-4(e), 171-4(j), 171-4(k)
2180	034801	Ferric dimethyldithiocarbamate	61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-7, 63-13, 71-1(a), 71-2(a), 71-2(b), 72-1(a), 72-1(c), 72-2(a), 72-3(a), 72-3(b), 72-3(c), 81-8*, 82-7*, 83-4, 84-2(a), 84-2(b), 84-4, 141-1, 161-1, 161-2, 161-3, 161-4, 162-1, 162-2, 163-2, 164-1, 171-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(k)
2180	034803	Potassium dimethyldithiocarbamate	61-1, 61-2(b), 62-1, 62-2, 62-3, 63-7, 63-11, 63-12, 63-13, 71-1(a), 71-2(a), 71-2(b), 72-1(a), 72-1(c), 72-2(a), 72-3(b), 72-3(c), 72-3(d), 72-3(e), 81-3, 82-3, 161-1, 161-2, 162-3, 162-4, 163-1
2180	034804	Sodium dimethyldithiocarbamate	61-1, 61-2(b), 62-1, 62-2, 62-3, 63-7, 63-12, 71-2(a), 71-2(b), 72-1(a), 72-1(b), 72-1(c), 72-2(a), 72-3(b), 72-3(c), 81-3, 82-1(b), 82-3, 83-1(a), 83-1(b), 83-2(a), 83-2(b), 83-4, 85-1, 161-1, 161-2, 161-4, 162-3, 162-4, 163-1, 163-2
2180	034805	Zinc dimethyldithiocarbamate	61-1, 61-2(b), 62-3, 71-1(a), 71-1(b), 72-1(a), 72-1(c), 72-2(a), 72-3(a), 72-3(b), 72-3(c), 83-1(b), 83-2(a), 83-2(b), 83-4, 171-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(l)
2200	036001	Dinitro-6-octyl* phenyl crotonate; 2,6-dinitro-4-octyl*phenyl crotonate; and nitrooctylphenols.	63-9, 63-11, 63-13, 71-2(a), 71-2(b), 71-4(a), 71-4(b), 72-1(a), 72-1(b), 72-1(d), 72-2(a), 72-2(b), 72-3(a), 72-3(b), 72-3(c), 72-4(a), 72-4(b), 82-1(a), 82-2, 83-1(a), 83-1(b), 83-2(a), 83-2(b), 85-1, 85-2, 86-1, 121-1, 122-1(a), 122-1(b), 122-2, 132-1(a), 132-1(b), 133-3, 133-4, 141-1, 161-2, 161-3, 162-1, 162-2, 162-3, 163-1, 165-1, 165-4, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2205	067701	2-(Diphenylacetyl)-1,3-indandione	61-2(a), 72-1(a), 72-1(c), 72-2(a), 81-1, 81-2, 81-3, 81-4, 81-5, 82-1(a), 83-3(a), 83-3(b), 85-1, 86-1, 161-1, 161-2, 161-4, 162-1, 162-2, 162-4, 163-1, 164-2, 164-3, 165-3
2205	067705	Sodium diphacinone	71-1(a), 71-2(a), 71-2(b), 72-1(a), 72-1(c), 72-2(a), 81-1, 81-2, 81-3, 81-4, 81-5, 81-6, 82-1(b), 82-2, 83-3(a), 84-2(a), 84-2(b), 85-1, 86-1, 161-1, 161-2, 162-1, 162-4, 163-1, 164-2, 165-3

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2245	038901	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	63-11, 71-1(a), 71-4(a), 71-4(b), 72-3(b), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 72-5, 82-1(b), 83-3(a), 83-3(b), 85-2, 132-1(a), 132-1(b), 133-3, 161-1, 161-2, 161-3, 201-1
2245	038903	Disodium endothall	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 71-1(a), 71-1(b), 71-2(a), 71-2(b), 71-4(a), 71-4(b), 72-1(a), 72-1(b), 72-1(c), 72-1(d), 72-2(a), 72-2(b), 72-3(a), 72-3(b), 72-3(c), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 72-5, 81-1, 81-2, 81-3, 81-4, 81-5, 82-2, 83-3(a), 83-3(b), 83-4, 85-1, 85-2, 122-1(a), 122-1(b), 122-2, 132-1(a), 132-1(b), 133-3, 141-1, 160-5, 161-1, 161-2, 161-3, 162-1, 162-2, 162-3, 163-1, 163-2, 164-1, 171-2, 171-3, 201-1
2245	038904	Dipotassium endothall	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 71-1(a), 71-1(b), 71-2(a), 71-2(b), 71-4(a), 71-4(b), 72-1(a), 72-1(b), 72-1(c), 72-1(d), 72-2(a), 72-2(b), 72-3(a), 72-3(b), 72-3(c), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 81-1, 81-2, 81-3, 81-5, 82-1(b), 82-2, 83-1(b), 83-3(a), 83-3(b), 83-4, 85-1, 85-2, 122-1(a), 122-1(b), 122-2, 123-1(a), 123-1(b), 123-2, 132-1(a), 132-1(b), 133-3, 141-1, 160-5, 161-1, 161-2, 161-3, 162-1, 162-2, 162-3, 162-4, 163-1, 163-2, 164-1, 164-2, 165-1, 165-3, 165-4, 166-2, 166-3, 171-2, 171-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(f), 171-4(g), 171-4(h), 171-4(j), 171-4(k), 171-4(l)
2245	038905	Mono[*N,N*-dimethyl(coco alkyl)amine] endothall	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 71-1(a), 71-2(b), 71-4(a), 71-4(b), 72-1(a), 72-1(b), 72-1(c), 72-1(d), 72-2(a), 72-2(b), 72-3(a), 72-3(b), 72-3(c), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 81-1, 81-2, 81-3, 81-4, 81-5, 81-6, 82-1(a), 82-1(b), 82-2, 83-3(a), 83-3(b), 84-2(b), 84-4, 85-1, 85-2, 122-1(b), 122-2, 123-1(a), 123-1(b), 123-2, 132-1(a), 132-1(b), 133-3, 141-1, 160-5, 161-1, 161-2, 161-3, 162-1, 162-2, 162-3, 162-4, 163-1, 163-2, 164-1, 164-2, 165-1, 165-3, 171-2, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(f), 171-4(g), 171-4(h), 171-4(j), 171-4(k), 171-4(l), 171-6, 201-1

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2280	109301	alpha-Cyano-(3-phenoxyphenyl)methyl-4-chloro-alpha-(l-methylethyl)benzeneacetate.	71-4(a), 71-4(b), 72-2(b), 72-3(a), 72-3(b), 72-3(c), 72-4(a), 72-4(b), 72-5, 72-6, 72-7(b), 82-1(a), 82-1(b), 82-2, 83-1(a), 83-1(b), 83-2(a), 83-2(b), 83-3(a), 83-3(b), 83-4, 85-1, 132-1(a), 132-1(b), 133-3, 133-4, 160-5, 161-2, 161-3, 162-2, 162-3, 165-4, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(i), 171-4(j), 201-1, 202-1
2285	122805	Butyl(RS)-2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)propanoate	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 71-2(b), 71-4(a), 71-4(b), 72-1(a), 72-1(c), 72-2(b), 72-3(a), 72-4(a), 72-4(b), 122-1(a), 122-1(b), 122-2, 162-3, 162-4, 164-3, 171-4(a), 171-4(b), 171-4(d), 171-4(e), 171-4(k), 171-4(l)
2285	122809	Butyl(R)-2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)propanoate	71-2(b), 72-1(a), 72-1(c), 72-3(a), 122-1(a), 122-1(b), 162-3, 162-4, 164-3, 171-4(a), 171-4(b), 171-4(d), 171-4(e), 171-4(k), 171-4(l)
2330	046701	Indole-3-butyric acid	none
2335	109801	3-(3,5-Dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide	63-11, 63-13, 72-1(a), 72-3(c), 72-7(a), 72-7(b), 81-1, 81-3, 81-5, 81-6, 82-1(a), 82-2, 83-1(a), 83-2(a), 83-2(b), 85-1, 160-5, 161-2, 161-4, 162-1, 162-3, 162-4, 163-2, 163-3, 164-2, 164-5, 165-1, 165-2, 165-3, 165-4, 171-2, 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2365	019201	4-(2-Methyl-4-chlorophenoxy)butyric acid	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 81-3, 160-5, 171-2
2365	019202	Sodium 4-(2-methyl-4-chlorophenoxy)butyrate	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 71-1(a), 71-2(a), 71-2(b), 72-1(a), 72-1(c), 72-2(a), 81-3, 82-1(a), 82-1(b), 123-1(a), 123-1(b), 123-2, 132-1(a), 133-3, 141-1, 160-5, 161-1, 161-2, 161-3, 162-1, 162-2, 162-4, 163-1, 171-2, 171-4(a), 171-4(c), 201-1, 202-1
2390	039002	Potassium *N*-methyldithiocarbamate	63-10, 63-11, 71-2(a), 71-2(b), 72-1(a), 72-1(c), 72-2(a), 72-3(a), 72-3(b), 72-3(c), 81-8*, 82-7*, 123-1(a), 123-1(b), 163-1, 164-2
2390	039003	Sodium *N*-methyldithiocarbamate	61-1, 61-2(a), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-10, 63-11, 63-12, 63-13, 71-2(a), 71-2(b), 72-1(a), 72-1(c), 72-2(a), 72-3(a), 72-3(b), 72-3(c), 81-8*, 82-1(a), 82-1(b), 82-5(b), 83-1(a), 83-1(b), 83-2(a), 83-2(b), 83-3(a), 83-3(b), 83-4, 132-1(b), 133-3, 133-4, 161-4, 162-2, 162-3, 163-1, 163-2, 164-1, 165-1, 171-4(a), 171-4(c), 171-4(e), 171-4(k), 171-4(l), 171-6, 201-1, 202-1, 232-x*, 234-x*
2430	057001	*N*-Octyl bicycloheptenedicarboximide	63-6, 63-7, 63-8, 63-9, 63-11, 63-12, 63-13, 72-3(a), 72-3(b), 72-3(c), 165-1, 165-4
2475	099901	2-*n*-Octyl-4-isothiazolin-3-one	81-1, 161-3, 162-1, 164-1, 164-2, 165-1, 165-3

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2480	088002	Zinc 2-pyridinethiol-1-oxide	63-11, 82-3, 82-4, 83-1(a), 83-1(b), 83-3(a), 83-3(b), 83-4, 85-1
2490	111601	2-Chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene	72-3(b), 72-7(b), 83-3(b), 122-1(a), 122-1(b), 122-2, 132-1(a), 132-1(b), 133-3, 133-4, 141-1, 161-3, 162-3, 163-2, 165-4, 171-3, 171-4(a), 171-4(b), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l), 171-6, 201-1
2505	063001	Pentachlorophenol	62-1, 62-3, 63-13, 71-1(a), 71-2(a), 71-2(b), 72-1(a), 72-1(b), 72-1(c), 72-1(d), 72-2(a), 72-3(a), 72-3(b), 72-3(c), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 81-1, 81-2, 81-3, 81-4, 81-5, 81-6, 82-1(a), 82-1(b), 82-2, 82-3, 82-4, 83-1(a), 83-1(b), 83-2(a), 83-3(a), 83-3(b), 83-4, 84-2(a), 84-2(b), 84-4, 85-1, 85-2, 122-2, 161-1, 161-2, 161-4, 162-1, 162-3, 162-4, 163-1, 164-1, 164-2, 165-4, GLN-x*, 231-x*, 232-x*, 233-x*, 234-x*
2505	063003	Sodium pentachlorophenate	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 71-1(a), 71-2(a), 71-2(b), 72-1(a), 72-1(b), 72-1(c), 72-1(d), 72-2(a), 72-3(a), 72-3(b), 72-3(c), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 81-1, 81-2, 81-3, 81-4, 81-5, 81-6, 82-1(a), 82-1(b), 82-2, 82-3, 82-4, 83-1(a), 83-1(b), 83-2(a), 83-3(a), 83-3(b), 83-4, 84-2(a), 84-2(b), 84-4, 85-1, 85-2, 122-2, 160-5, 161-1, 161-2, 161-3, 161-4, 162-1, 162-2, 162-3, 162-4, 163-1, 163-2, 165-4, 171-3, 231-x*, 232-x*, 233-x*, 234-x*
2510	109701	(3-Phenoxyphenyl)methyl(±)cis,trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate.	62-1, 63-2, 63-3, 63-4, 63-5, 63-7, 63-8, 63-9, 63-11, 63-12, 63-13, 71-4(a), 71-4(b), 72-1(b), 72-1(d), 72-2(b), 72-3(d), 72-3(e), 72-3(f), 72-4(a), 72-5, 72-7(a), 84-2(b), 85-2, 132-1(a), 132-1(b), 133-3, 133-4, 141-2, 162-1, 162-2, 162-3, 162-4, 163-1, 164-1, 164-2, 165-1, 165-2, 171-3, 171-4(a), 171-4(b), 171-4(c), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2525	067501	(Butylcarbityl)(6-propylpiperonyl)ether	61-2(a), 61-2(b), 62-1, 62-2, 63-6, 63-7, 63-8, 63-9, 63-11, 63-13, 71-4(a), 71-4(b), 165-1, 171-4(k), 171-4(l)
2540	111401	*O*-(4-Bromo-2-chlorophenyl) *O*-ethyl *S*-propylphosphorothioate	71-2(a), 71-2(b), 71-5(b), 72-4(a), 72-7(b), 81-8*, 82-7*, 85-4*, 163-3, 171-4(a), 171-4(b), 231-x*, 232-x*
2555	047802	*O*-Isopropoxyphenyl methylcarbamate	61-2(a), 61-2(b), 62-1, 63-5, 63-7, 63-8, 63-13, 71-2(a), 71-2(b), 71-4(b), 81-8*, 82-7*, 161-1, 162-1, 163-1, 171-4(a), 171-4(b), 171-4(c), 171-4(e), 171-4(i), 171-4(j)
2575	064103	2-Phenylphenol	61-2(a), 63-8, 63-9, 63-10, 63-11, 63-13, 81-1, 82-2, 83-1(a), 83-2(a), 83-2(b), 133-3, 133-4, 161-1, 161-2, 171-4(e)

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2575	064104	Sodium 2-phenylphenate	61-2(a), 63-8, 63-10, 63-13, 71-1(a), 71-2(a), 71-2(b), 81-1, 82-2, 83-1(a), 83-2(a), 83-2(b), 133-3, 133-4, 161-1, 161-2, 161-3, 162-1, 162-2, 162-3, 162-4, 163-1, 164-1, 165-1
2580	069001	Pyrethrin I	63-6, 63-7, 63-13, 163-2, 165-5, 171-4(k), 171-4(l)
2605	114402	5-(2-Chloro-4-(trifluoromethyl)phenoxy)-2-nitrobenzoic acid, sodium salt	72-2(b), 132-1(a), 132-1(b), 133-3, 133-4, 162-3, 162-4, 163-1, 164-1, 164-2, 165-1, 165-3, 166-1, 171-4(a), 171-4(b), 171-4(e), 171-4(j), 171-4(k), 171-4(l), 231-x*, 232-x*
2620	083001	Bis(tributyltin) oxide	61-2(a), 62-1, 62-2, 63-6, 63-8, 63-9, 63-10, 63-13, 81-8, 82-2, 82-3, 82-7, 83-1(b), 83-2(b), 83-3(a), 84-2(a), 84-2(b), 84-4, 133-3, 133-4, 162-1, 164-1, 164-2, 165-3, 231-x*, 232-x*, 233-x*, 234-x*
2620	083102	Bis(tributyltin) salicylate	72-1(c), 72-2(a), 81-1, 81-2, 81-8*, 82-1(a), 82-2, 82-7*, 83-3(a), 84-2(a), 84-2(b), 84-4, 85-2
2620	083106	Tributyltin benzoate	72-1(c), 72-2(a), 81-1, 81-2, 81-8*, 82-1(a), 82-2, 82-7, 83-3(a), 84-2(a), 84-2(b), 84-4, 85-2
2620	083112	Tributyltin fluoride	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 81-1, 81-2, 81-4, 81-5, 81-8*, 82-1(a), 82-2, 82-3, 82-7*, 83-1(a), 83-1(b), 83-2(a), 83-2(b), 83-3(a), 83-3(b), 83-4, 85-1, 85-2, 231-x*, 233-x*
2620	083120	Tributyltin methacrylate	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-6, 63-7, 63-8, 63-9, 63-10, 63-11, 63-12, 63-13, 81-1, 81-2, 81-4, 81-5, 81-6, 81-8*, 82-2, 82-3, 82-7*, 83-1(a), 83-1(b), 83-2(a), 83-2(b), 83-3(a), 83-3(b), 83-4, 84-2(a), 84-2(b), 84-4, 85-1, 85-2, 133-4, 231-x*, 233-x*
2625	035603	2-(Thiocyanomethylthio)benzothiazole	61-2(a), 62-2, 63-6, 63-8, 63-11, 63-13, 72-4(a), 72-4(b), 81-1, 81-3, 81-5, 85-1, 132-1(a), 132-1(b), 133-3, 133-4, 161-1, 161-2, 161-3, 161-4, 162-1, 162-2, 162-3, 162-4, 163-1, 163-2, 163-3, 164-1, 164-2, 164-3, 165-1, 165-4, 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j)
2645	080814	2-(tert-Butylamino)-4-chloro-6-(ethylamino)-*s*-triazine	61-2(a), 63-7, 63-10, 63-13, 82-2, 84-2(b), 84-4, 162-3, 162-4
2665	108401	*S*-((4-chlorophenyl)methyl)diethylcarbamothioate	71-1(a), 71-4(a), 72-4(a), 72-4(b), 72-6, 72-7(b), 81-8*, 82-7*, 85-1, 161-2, 162-1, 162-3, 163-1, 165-3, 165-4, 165-5, 171-4(a), 171-4(b), 171-4(c), 171-4(f), 171-4(g), 171-4(j), 171-4(l), 201-1, 202-1

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2670	060101	2-(4-Thiazolyl)benzimidazole	63-7, 63-10, 63-12, 63-13, 72-1(a), 72-3(a), 72-3(b), 72-4(a), 84-2(a), 84-2(b), 122-2, 161-1, 161-2, 162-3, 162-4, 163-1, 164-2, 164-5, 165-3, 171-4(d) 171-4(e), 171-4(f), 171-4(g), 171-4(h), 171-4(k)
2670	060102	2-(4-Thiazolyl)benzimidazole, hypophosphite salt	61-1, 61-2(a), 61-2(b), 63-7, 63-10, 63-12, 63-13, 71-1(b), 71-2(a), 71-2(b), 72-1(b), 72-1(d), 72-2(b), 81-3, 84-2(a), 84-2(b), 85-1
2710	116002	Triethylammonium triclopyr	61-2(a), 61-2(b), 62-1, 62-3, 63-3, 63-4, 63-5, 63-7, 63-12, 71-2(a), 71-4(a), 71-4(b), 72-1(a), 72-1(b), 72-1(c), 72-1(d), 72-2(a), 72-2(b), 72-3(b), 72-3(c), 72-3(e), 72-3(f), 72-4(a), 72-4(b), 72-6, 82-1(a), 82-2, 83-4, 84-2(a), 84-2(b), 84-4, 123-2, 160-5, 164-1, 165-4, 171-3, 171-4(a), 171-4(b), 171-4(e), 171-4(k), 201-1, 202-1
2710	116004	Butoxyethyl triclopyr	61-2(a), 61-2(b), 62-1, 62-3, 63-7, 63-8, 63-9, 63-11, 72-2(b), 72-3(a), 82-2, 123-2, 161-3, 162-1, 162-3, 164-1, 165-4, 171-3, 171-4(a), 171-4(e), 171-4(k), 171-6, 201-1, 202-1
2740	113201	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione	71-4(a), 71-4(b), 71-4(c), 82-1(a), 83-1(a), 83-2(a), 83-2(b), 83-3(b), 84-4, 85-1, 85-2, 122-2, 132-1(a), 133-3, 133-4, 161-2, 162-2, 162-3, 164-1, 165-2, 165-4, 171-4(k), 231-x*, 232-x*

KEY: * Special Studies; Guidelines for the following studies are presently being developed (for more information, contact the person named in the Notice):

81-8 Acute Neurotoxicity Screening—Rat.

82-7 90-Day Neurotoxicity Screening—Rat.

85-4 Ocular Toxicity Study—Dog.

231-x Estimation of Dermal Exposure, Outdoor Sites.

232-x Estimation of Respiratory Exposure, Outdoor Sites.

233-x Estimation of Dermal Exposure, Indoor Sites.

234-x Estimation of Respiratory Exposure, Indoor Sites.

GLN-x Environmental Availability Testing, no guideline number has yet been assigned.

This list contains 55 currently supported active ingredients reviewed during Phase 4 of reregistration and their outstanding data requirements identified as Guideline Reference Numbers. In a number of instances, registrants have already committed to satisfy many of these requirements, with the remaining requirements being subject to the recently issued Data Call-In notices. Of these, some may have been partially satisfied by studies that can be upgraded or supplemented with additional data. The data needs for specific crops are not presented here; instead the overall Guideline Reference Number is listed if any crop specific data are outstanding, even though some individual crop data requirements under it may be in fact satisfied.

IV. Phase 4 List B Data Call-In Notices

Under FIFRA section 3(c)(2)(B) the Agency has issued to affected registrants Phase 4 List B Data Call-In notices for the outstanding data requirements that registrants have not previously committed to satisfy for the active ingredients listed on Table 2 of this Notice. Registrants with unfilled data requirements for their active ingredients must respond to the Agency within 90 days of receipt of their Data Call-In Notice to express their intent to satisfy the remaining data requirements. The data requirements identified in the Data Call-In notices must be submitted within the time schedule specified in them. Additional Data Call-In notices for the remaining List B chemicals not covered by this followup Notice will be sent to the affected registrants, coinciding with the publication of one or more additional **Federal Register** notices in the next several months.

Dated: March 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92-6192 Filed 3-17-92; 8:45 am]

BILLING CODE 6560-50-F

federal register

Wednesday
March 18, 1992

Part III

Department of Labor

Employment and Training Administration

Department of Education

Office of Vocational and Adult Education

Skill Standards and Certification Issues Paper; Public Meetings; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

Skill Standards and Certification Issues Paper; Public Meetings

AGENCIES: Employment and Training Administration; Labor; and Office of Vocational and Adult Education, Education.

ACTION: Request for comments: Notice of public meetings.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor and the Office of Vocational and Adult Education (OVAE) of the Department of Education are announcing five public meetings to be held to provide interested parties opportunities to present their views to ETA, OVAE and the National Advisory Commission on Work-Based Learning (NACWBL) on issues related to the development of voluntary, industry-based skill standards and certifications. Written submissions on this topic are also being solicited.

The President charged the Departments of Labor and Education to jointly pursue this issue in response to the needs of business, workers, educators, training providers and governments. This mandate was officially conferred under America 2000, the President's education strategy. This notice is the first step in answering the President's charge and there will be further opportunities for public involvement in discussions on this issue.

DATES: The dates of the five public meetings are as follows:

April 14, 1992 Boston, Massachusetts.
April 21, 1992 Atlanta, Georgia.
April 24, 1992 Chicago, Illinois.
April 28, 1992 San Francisco, California.
April 30, 1992 Washington, DC.

Persons desiring to present oral statements at a meeting must provide a notice of intent to appear, postmarked no later than seven calendar days before the date of the hearing.

Written statements from persons not presenting oral statements must be postmarked no later than May 29, 1992 and be sent to the U.S. Department of Labor Office of Work-Based Learning, Room N–4649, 200 Constitution Avenue NW., Washington, DC 20210 or to the U.S. Department of Education, Office of Vocational and Adult Education, Division of National Programs, MES–4518, 330 C Street SW., Washington, DC 20202–7242.

ADDRESSES: The meetings are open to the public. The locations are shown below.

April 14, 1992 Boston, Massachusetts, O'Neill Federal Building, Auditorium, 10 Causeway Street, Boston, Massachusetts 02222.
April 21, 1992 Atlanta, Georgia, Georgia International Convention and Trade Center, Biltmore II, 1902 Sullivan Road, College Park, Georgia 30337.
April 24, 1992 Chicago, Illinois, State of Illinois Building, room 9–040, 100 West Randolph Street, Chicago, Illinois 60601.
April 28, 1992 San Francisco, California, ANA Hotel, Cabernet II, 50 Third Street, San Francisco, California 94103.
April 30, 1992 Washington, DC, The Pullman Highland Hotel, 1914 Connecticut Avenue NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: James Van Erden, Administrator, Office of Work-Based Learning, room N–4649, 200 Constitution Avenue NW., Washington, DC 20210 (Telephone: 202/535–0540) or Debra J. Nolan, Senior Program Advisor, Business and Education Standards, Division of National Programs, MES–4518, Office of Vocational and Adult Education, U.S. Department of Education, 330 C Street SW., Washington, DC 20202–7242 (Telephone: 202/732–2417).

SUPPLEMENTARY INFORMATION:

Background

The need to improve the quality of information affecting employment-related choices is heightened by the changing economic environment in which the United States now competes. For decades, America has held the competitive advantage in the world marketplace on the basis of superior mass production. In today's economy, there is increased emphasis on quality, variety, customization, convenience and timeliness, placing greater importance on the skills of the individual front-line worker.

Nearly 85 percent of America's workforce for the year 2000 is in the workforce today and of that number, by some estimates, 25 million already need to update their skill or knowledge base to keep pace with the changing economy and technology. New entrants to the labor market will consist primarily of women and minorities, groups traditionally disadvantaged in the workplace. These factors, combined with the fact that higher education levels will be required for many of our workers, only raise the importance of life-long learning for the American worker.

In 1990, at the National Education Summit the President and the nation's governors adopted six national education goals intended to close America's skills-and-knowledge gap. On April 18, 1991, the President introduced America 2000, a strategy for achieving these goals. This strategy is divided into four tracks with each track being tied to one or more of the six national education goals.

Track III of America 2000, serves National Education Goal Number Five, which reads, "Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship." Adult Americans are challenged to go back to school and make this a nation of students. To enable them to meet this challenge, the Secretaries of Labor and Education are charged with spearheading a public-private partnership to help develop voluntary, industry-based skill standards for all industries.

As part of the overall strategy, Track III asks business and labor, "to adopt a strategy to establish job-related (and industry-specific) skill standards, built around core proficiencies, and to develop skill certificates to accompany these standards." The President reemphasized his concern for improving the quality of job training in the Job Training 2000 initiative recently announced.

Voluntary, industry-based skill standards and certificates may be used to inform decision-making in all sectors of the economy. For example,

- Industries may use skill standards as a vehicle for informing training providers and prospective employees of skills required for employment;
- Employers may use the attainment of skill certification to reduce the costs and legal risks associated with the assessment of job candidates and make more objective employment decisions;
- Labor organizations may use skill standards to increase their members' employment security and marketability through access to competency-based training and certification;
- Workers may choose to obtain certification of their skills for many reasons, including: to help protect against dislocation, to pursue career advancement and to enhance their

ability to reenter the workforce by having a work portfolio based on training to industry standards;

• Training providers (colleges, high schools, vocational education institutions, private training bodies and companies, industry-based training and employers) may use skill standards to determine appropriate educational goals and objectives and training services to offer; and

• Government may use skill standards and competency-based outcomes to protect the integrity of public expenditures by requiring that employment-related training meet industry standards where they exist.

This notice of public hearings and request for comments is the first step in shaping this important tool for choice. In addition to this public dialogue, the Track III activities of the Departments of Labor and Education will be informed by research, the results of technical assistance and pilot projects, and the work of the National Advisory Commission on Work-Based Learning (NACWBL) and the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS). SCANS, for example, has made some progress in identifying the generic skill requirements of the workplace which lay the foundation for the job-related, industry-specific skill standards addressed by the President.

Definition of Terms

Generally, a *job-related industry skill standard* is the identification of the knowledge, skill and level of ability needed to satisfactorily perform a given job. These standards may be specific to a given occupation, cross occupational lines or apply to groupings of occupations. This concept of skill standards can be tailored to any industry, to reflect its particular needs and economic environment.

Proficiency indicates the ability to perform the activities within an occupation to the set standard. It may incorporate the ability to apply the relevant skills and knowledge to new situations within the occupational area as well as generic skills.

Core proficiencies indicate capabilities for performing activities that are common across occupational areas and can be built upon during the course of a career.

Certification is the provision of a certificate or award to individuals, indicating the attainment of a skill, certain skills or knowledge, usually as a result of a competency-based assessment process.

Assessment is the process of measuring performance against a set of standards (through examination, practical tests, performance observation and/or the completion of portfolios of work and assignments).

Existing Skill Standards and Certification

Some industries and professional and technical associations already offer employers and individuals better information than other industries and associations by developing skill standards and worker certification opportunities.

• By some estimates, 200 industry associations have systems of standards and certification in place to improve the skills of their members' employees, to increase the quality of choice for employers and employees and to provide quality assurance for customers.

• Professional and technical associations have developed processes for setting education and occupational entry standards and, in some cases, standards for skills maintenance which members must meet to continue to practice in a particular occupation. Individuals wanting to enter these occupations have clear roadmaps of the choices they must make to be able to qualify to work. Employers are able to choose among qualified individuals without the need for additional, expensive testing arrangements.

• National programs such as those developed by the construction industry and registered with the Department of Labor's Bureau of Apprenticeship and Training and the Federal Aviation Administration's competency requirements for aircraft frame technicians have been developed to provide national standards and quality assurance for employers. At the same time, individuals who may wish to seek a career in these areas can see what is required of them and make informed choices about enrolling in training programs.

The American Institute of Banking (AIB), the National Institute for Automotive Service Excellence (ASE) and the Printing Industries of America (PIA) are examples of industry associations that have established standards and certification processes. The AIB, for example, has initiated a voluntary certification program for mid-level occupations such as trust officer, compliance officer and security officer to respond to deregulation, interstate banking and the development of new products and services. ASE was founded to promote the highest standards of automotive service and, as part of its strategy for achieving that goal, administers competency-based assessments in nineteen specialty areas. PIA initiated a certification program, PrintED, to respond to a nationwide shortage of skilled workers.

In a number of industries, joint labor-management bodies have guided the development of skill standards. For example, the Seafarers International Union and private ship owners jointly founded the Seafarer's School of Seamanship in Piney Point, Maryland. Detailed curricula have been designed for specific occupations, with promotion from one level to the next being determined by performance of practical job factors, behavior and traditional written examinations. In cooperation with the State of Maryland, the school also offers associate arts degrees in Marine Engineering and Nautical Science.

The Vocational-Technical Education Consortium of States (V–TECS) is notable as the largest system in the United States for converting job analysis information into curriculum objectives and vehicles for assessing student achievement.

Other organizations that have ongoing efforts to define and measure employability and workplace competencies include the National Occupational Competency Testing Institute (NOCTI), the Educational Testing Service (ETS), American College Testing Service (ACT), the American Society for Training and Development (ASTD), and the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS).

Standards and certification processes have long been used by professional and technical associations to protect the consumer by assuring the competence of members. Doctors, engineers, lawyers, accountants and nurses are examples of professional and technical occupations for which standards have been developed to determine occupational competence. The standards used in these occupations set the requirements for certification of competence through licensing and promote consumer information and choice.

The Department of Labor's Bureau of Apprenticeship and Training approves standards for formal, industry-based apprenticeship programs where apprentices participate in training programs which combine class-room and job-site instruction. While the standards setting process is often time-based rather than competency-based, the apprenticeship model may offer useful experience in the development and use of skills within a national standards and certification framework.

Similarly, the Federal Aviation Administration has established minimum competency requirements for

technicians working on aircraft frames. Post-secondary programs that address the competencies can be certified by the FAA. Schools must offer a specific curriculum and attest to the competency of students at the completion of the program.

The military provides yet another example. In addition to their military mission, the armed forces (Army, Navy, Marine Corps and Air Force) are the largest training organizations in the United States. The Army offers employment and training in 32 occupational career fields, the Navy 24, the Marine Corps 36 and the Air Force 47. In each of the career fields, classroom, technical and work-based learning opportunities are available. Advancement is dependent upon occupational skill improvement; higher skills are clearly correlated with higher rank.

Key Issues

In order to proceed with the Track III directive on voluntary, industry-based skill standards and certification, four major issues must be raised for public comment and discussion that directly affect the development of an appropriate approach. These issues are:

1. What should be the guiding principles for the development of voluntary, industry-based skill standards in the context of the social, economic and political realities of the United States?

2. What will be the effect of voluntary, industry-based skill standards and certification on the decision-making processes of industry, organized labor, joint labor-management committees, individual firms and workers, educational institutions providing occupational, vocational and technical training and federal, state and local governments?

3.What are the appropriate roles and responsibilities of industry, labor organizations, joint labor-management committees, educators, community-based organizations and governments in the development, implementation, promotion, dissemination and maintenance of voluntary, industry-based skill standards and certification?

4. What processes should be followed in the development, implementation, promotion, dissemination and maintenance of voluntary, industry-based skill standards?

Each of these issues is presented below with a series of questions intended to begin a discussion of the most appropriate way to implement voluntary, industry-based skill standards. The list is not considered to be exhaustive, nor is it prioritized.

Issue #1

The first major issue is the identification of the principles which should guide the development of voluntary, industry-based skill standards in the context of the social economic and political realities of the United States.

Several meetings, briefings and roundtables were held during the summer of 1991 to discuss the issues related to skill standards and certification. As a result of these meetings, further research, discussions between the Departments of Labor and Education, meetings with industry associations and labor organizations and a wealth of commission reports and academic studies, it is suggested that the guiding principles of voluntary, industry-based skill standards be:

- Bench marked to world-class levels of industry performance;
- Tied to measurable, performance-based outcomes that can be readily assessed;
- Based on broadly defined occupational categories within industries in order to promote a highly skilled and flexible work force;
- Comparable across industries, similar occupations, and states;
- Applicable to a wide variety of education and training service providers, both work- and school-based;
- Developed independently of any single training provider or type of training provider;
- Based on a relatively simple structure to make the system readily understandable for those who use it;
- Useful for qualifying new hires and for continuously upgrading the skills of employees;
- Free from and reduce gender, age, racial and any other form of bias of discriminatory practices; and
- Responsive to readily changing work organizations, technologies and market structure.

While this list is clearly not exhaustive, it is intended to identify the guiding principles and requirements of skill standards.

- Are these principles appropriate and sufficient to guide industry, education, labor organizations, and state and federal governments in the voluntary development of skill standards and certification?
- If not, what should be added, omitted or varied?

Issue #2

The second major issue posed is what would be the effect of voluntary, industry-based skill standards and certification on the decision-making processes of industry, organized labor, educational and other institutions providing occupational, vocational or technical training, individual firms and workers and federal, state and local governments. For example, would skill standards and certification,

- Enable individuals, employers and governments to improve the quality of their training investment decisions by giving them a means of assessing the quality of training programs?
- Provide workers with an identified career path?
- Provide employers with objective hiring criteria?
- Help workers to identify what skills are needed to perform a job and to evaluate their own grasp of those skills?
- Assist labor organizations in representing the interests of their members with regards to career paths, compensation and ongoing skills training?
- Provide a basis for specifying curricular objectives in educational institutions?
- Ease the transition from school- to work-based learning, or from high school to post-secondary school?
- Offer a means of recognizing skills obtained outside of the formal education system?

And, if so, how?

Issue #3

The third major issue pertains to the particular designation of responsibilities in the development, implementation, promotion, dissemination and maintenance of skill standards and certification among the various stakeholders: industry, labor organizations, joint labor-management committees, educators, community-based organizations and federal, state and local governments.

- While each stakeholder is dependent upon the cooperation of all the others, who should take the lead and what are the specific roles of each stakeholder?
- What is an 'industry' and what are the appropriate criteria for deciding who represents 'industry'?
- Understanding that the responsibility for most education and training lies at the state and local level and in individual plants, establishments or larger firms, how should the need for local delivery be reconciled with the reality of national and international labor markets?
- What are the appropriate roles of federal, state and local governments in the development, implementation, promotion, dissemination and maintenance of skill standards and

certifications? What is the appropriate division of responsibilities among these levels of government?

Issue #4

The fourth major issue is the process for the development, implementation, dissemination and maintenance of voluntary industry-based skill standards.

- Is a national framework needed? If so, what should it look like? If not, how can consistency among industries, between industry and educators and within occupational groups which transcend industries be assured?
- Which structure will best guarantee the existing workforce access to the means for achieving the standards?
- Which structure will best insure that standards will quickly adapt to advances in technology, changes in the organization of work and other factors which will continue to evolve over time?
- Which structure will best facilitate the extensive and continuous collection and dissemination of information about skill standards which will be necessary?

Notice of Public Hearings and Request for Comment

To explore fully the above issues and any other issues which interested parties may wish to raise, the Departments of Labor and Education are requesting public comment on issues related to the development of voluntary industry-based skill standards and certifications.

Written statements from persons not presenting oral statements or persons wishing to comment on issues raised in the following paper should submit such comment to the Department of Labor, Office of Work-Based Learning, room N-4649, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 or to the U.S. Department of Education, Office of Vocational and Adult Education, Division of National Programs, MES-4518, U.S. Department of Education, 330 C Street SW., Washington, DC 20202-7242.

Oral comments may be presented at a series of five public meetings that will be convened by the Departments of Labor and Education and in cooperation with the National Advisory Commission on Work-Based Learning.

Locations and Dates

The meeting locations and dates are as follows:

April 14, 1992 Boston, Massachusetts, O'Neill Federal Building, Auditorium, 10 Causeway Street, Boston, Massachusetts 02222.

April 21, 1992 Atlanta, Georgia, Georgia International Convention and Trade Center, Biltmore II, 1902 Sullivan Road, College Park, Georgia 30337.

April 24, 1992 Chicago, Illinois, State of Illinois Building, room 9-040, 100 West, Randolph Street, Chicago, Illinois 60601.

April 28, 1992 San Francisco, California, ANA Hotel, Cabernet II, 50 Third Street, San Francisco, California 94103.

April 30, 1992 Washington, DC, The Pullman Highland Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

The meetings will commence at 9 a.m. and adjourn at 4 p.m. There will be a lunch break from 12 p.m. to 1 p.m. The meetings will be open to the public.

Participation of Interested Parties

An opportunity to present oral statements concerning the issues raised above will be provided at these public meetings. Notices of intent to present oral statements must be postmarked seven calendar days before the date of the hearing and must be mailed to the appropriate Department of Labor regional office. Notice of intent to present oral statements in Boston should be sent to: Holly O'Brien, U.S. Department of Labor, Employment and Training Administration, One Congress Street, Boston, Massachusetts 02203.

Notices of intent to present oral statements in Atlanta should be sent to: Mary Smarr, U.S. Department of Labor, Employment and Training Administration, 1375 Peachtree Street, NE., Atlanta, Georgia, 30367.

Notices of intent to present oral statements in Chicago should be sent to: Louis Gibert, U.S. Department of Labor, Employment and Training Administration, 230 South Dearborn Street, Chicago, Illinois, 60604.

Notices of intent to present oral statements in San Francisco should be sent to: Jeff Salzman, U.S. Department of Labor, Employment and Training Administration, 71 Stevenson Street, San Francisco, California, 94105.

Notices of intent to present oral statements in Washington, DC, should be sent to: Mae Brown, U.S. Department of Labor, Employment and Training Administration/OWBL, room N-4649, 200 Constitution Avenue, NW., Washington, DC 20210.

The notice of intent must contain the following information:

(1) The name, title, address and telephone number of each person to appear;

(2) Affiliation;

(3) The issues and/or concerns that will be addressed.

Individuals who do not register in advance will be permitted to register and speak at the meeting, in order of registration, subject to scheduling constraints. Speakers should plan to limit their comments to five minutes; longer presentations will be allowed if time permits. While it is anticipated that all persons desiring to speak will have an opportunity to do so, time constraints may not allow this to occur. However, all written statements will be accepted and incorporated into the public record. The Departments of Labor and Education, in consultation with the National Advisory Commission on Work-Based Learning will make the final determination on selection and scheduling of speakers.

The public hearings will be audiotaped and transcribed.

Meeting Procedures and Objectives

A Commissioner of the National Advisory Commission on Work-Based Learning will preside at each of the five meetings. The Commissioner will:

1. Regulate the course of the meeting including the order of appearance of persons presenting oral statements;
2. Dispose of procedural matters;
3. Confine the presentations to matters pertinent to the purpose of the implementation of voluntary, industry-based skill standards and certification.

Signed in Washington, DC, on this 9th day of March.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Betsy Brand,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 92-5932 Filed 3-17-92; 8:45 am]

BILLING CODES 4510-30-M, 4000-01-M

federal register

Wednesday
March 18, 1992

Part IV

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act: Proposed Program Priorities for Fiscal Year 1992 and Comment Period; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act: Proposed Program Priorities for Fiscal Year 1992 and Comment Period

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Justice.

ACTION: Notice of Proposed Priorities and comment period for Fiscal Year 1992 Research, Demonstration, and Service Program Priorities and Merit Selection Criteria under the Missing Children's Assistance Act.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing its Fiscal Year 1992 proposed program priorities for making grants and contracts under section 405 of title IV (the Missing Children's Assistance Act) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5775.

DATES: All comments must be received by 5 p.m. EDT on May 18, 1992.

ADDRESSES: All comments must be mailed or sent to: Director, Missing and Exploited Children's Program, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Kathryn Turman at the above address. Telephone (202) 616-3631.

SUPPLEMENTARY INFORMATION: Responsibility for establishing annual research, demonstration, and service program priorities and criteria for making grants and contracts pursuant to section 405 of the Missing Children's Assistance Act rests with Administrator of the Office of Juvenile Justice and Delinquency Prevention. For FY 1992, 12 new programs, one new award for a continuing program, and a jointly OJJDP–NIJ funded program to be administered by NIJ will constitute all proposed section 405 priority funding areas. The Administrator is hereby announcing these final priorities, specifying merit and performance criteria to be applied in their review.

During FY 1992 other new programs, or continuations of currently funded programs, may also be funded under sections 404 and 408 of the Missing Children's Assistance Act, 42 U.S.C. 5773 and 5778. Solicitations to fund all new Title IV assistance awards in amounts exceeding $50,000 will be announced in the **Federal Register** and competitively awarded. Described below are discretionary programs being planned for funding under section 405 of the Missing Children's Assistance Act followed by a listing of continuation programs currently funded under section 405 that are proposed as eligible to receive continuation funding during their currently existing project periods. Following the sixty-day comment period, OJJDP will publish in the **Federal Register** a final plan, including the substantive comments received. Thereafter, OJJDP will publish and make available a document including full program announcements of those programs labeled "new programs" and the application kit.

Introduction and Program Update

The Missing and Exploited Children's Program was established by Congress in the 1984 Missing Children's Assistance Act as Title IV of the Juvenile Justice and Delinquency Prevention Act, as amended. The Office of Juvenile Justice and Delinquency Prevention in the Office of Justice Programs, U.S. Department of Justice is the Federal agency that has the responsibility for administering the Missing and Exploited Children's Program.

The Missing Children's Assistance Act requires OJJDP to facilitate coordination among all federally funded programs relating to missing children; to establish and operate a national 24-hour toll-free telephone line; to establish and operate a national resource center and clearinghouse; to coordinate public and private programs which locate, recover, and reunite missing children with their legal custodians; to disseminate nationally information about effective missing children's programs, services, and legislation; and to provide technical assistance and training to law enforcement, State and local governments, the criminal justice system, public and private agencies, and other individuals involved with missing children's cases.

OJJDP funds and coordinates many activities on behalf of missing children, including the National Center for Missing and Exploited Children, a network of 43 State clearinghouses; nonprofit organizations; research and demonstration programs; and training and technical assistance for law enforcement personnel, judges and prosecutors. OJJDP sponsors a comprehensive five day training program for law enforcement officers on the investigation of missing, exploited, and abused children and a new advanced technical assistance course will be offered beginning in early 1992. OJJDP also provides assistance to the Department of Defense in the design of an extensive child maltreatment investigative course for the military and helps to train tribal police on Indian lands.

The National Center for Missing and Exploited Children (NCMEC) utilizes the latest in advanced computer technology to assist in the timely collection and dissemination of leads and information on missing children's cases. Currently, NCMEC is in the process of updating photos of children missing for two years or longer using computer photo age progression technology. State missing children clearinghouses are being linked to NCMEC via computer. In order to meet the increasing number of requests for age progression, regional age progression technology labs will be established in three to four state clearinghouses. Valuable technical assistance is provided through the National Center for Missing and Exploited Children to police departments, investigators, and prosecutors on individual missing children's cases. Assistance and referrals are also offered to parents and families of missing and exploited children. Plans are currently going forward to recruit and train retired law enforcement officers to provide consultation and specialized technical assistance on breaking or long-term missing child cases to police departments and other law enforcement agencies upon request.

Culminating a 5-year effort, the first findings of the National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children (NISMART) were released in May, 1990. NISMART identified distinct and separate problems affecting five categories of children who are missing or displaced, including victims of family abductions. Further research is continuing to develop an array of responses for each type of problem. Major research projects are nearing completion on the following issues: Obstacles to the recovery and return of parentally abducted children, police handling of missing and exploited children cases, the child victim as witness, the psychological consequences of family and non-family abductions and runaway episodes on children and their families, and the problems of reunification of missing children with their families. Additional data analysis of the first NISMART study (ADD-NISMART) will be looking at the high number of attempted abductions identified, the category of "lost, injured and otherwise missing" children, as well as other issues. OJJDP expects that directions for further research in these areas will be indicated. FY 1992 funds provided for research programs which will focus on the sexual exploitation of

children and tracking of these cases, effective screening practices for child and youth service workers, and risk factors and promising interventions in parental abduction cases. An on-going Interagency Agreement with the FBI Academy's Behavioral Science Unit is providing valuable information and analysis through profiles of child molesters, abductors who kill their child victims, and infant abductors. Other programs seek to reduce the harmful effects of abduction and exploitation of missing children on children and families and to prosecute offenders.

A number of research projects will be completed and are scheduled for publication in 1992:

- Legal Obstacles to the Recovery and Return of Parentally Abducted Children.
- The Reunification of Missing Children Project.
- Families of Missing Children: Psychological Consequences and Promising Interventions.
- A National Study of Law Enforcement Agencies' Policies and Practices Regarding Missing Children and Homeless Youth.
- The Child Victim as Witness.

Additional publications scheduled for FY 92 include prosecutors' manuals on child pornography and child prostitution cases. In addition, a number of existing publications will be updated or rewritten. These include Parental Kidnapping, Interviewing Child Victims of Sexual Exploitation, and Investigator's Guide to Missing Child Cases. A new "Case in Point" series focusing on individual missing child cases will be introduced. Through the work of the crime analysis units of the program sites, the Missing and Exploited Children Comprehensive Action Program (M/CAP) will publish a number of monographs and technical assistance bulletins on specialized topics.

The Missing and Exploited Children Program will participate in a number of joint or coordinated projects with other Department of Justice programs as well as other Federal agencies. A multi-site jointly funded by the National Institute of Justice (NIJ) and OJJDP and administered by NIJ will examine justice system processing of child maltreatment cases. OJJDP is coordinating planning for NISMART II with the third national incidence study on child abuse and neglect, NIS III, which is funded by the Department of Health and Human Services (HHS). OJJDP and HHS will also jointly sponsor a symposium on the interaction and handling of child maltreatment cases by law enforcement and child protective services.

FY 92 Goals and Objectives

In order to facilitate the location, recovery and return of missing and exploited children more effectively, OJJDP will:

- Provide for timely dissemination of collected materials, resources, and research findings to practitioners and translation of relevant research and other information into policies and practices, training and community education.
- Expand training and technical assistance in existing programs and to areas currently not being served, e.g., criminal courts, probation personnel, social services, mental health professionals, and victims services. Additional emphasis will be placed on the development and provision of training for trainers.
- Continue to develop programs and research which focus on the differing types of missing children problems as defined by NISMART while also continuing to identify linkages with the overall field of child victimization.
- Provide for the evaluation of public and private recovery programs such as nonprofit organizations specializing in missing children and State missing children clearinghouses.
- Continue to identify and develop centralized expertise in missing and exploited children cases.

The program will approach these objectives through the support and funding of services which assist the families of missing and exploited children through basic and applied research, interagency coordination, training for practitioners and decision-makers, and the development and use of new technology and resources which will facilitate the location and recovery of missing and exploited children more effectively.

Continuing Program With a New Award

Missing and Exploited Children Comprehensive Action Program (M/CAP) $1,300,000

This is a continuing program which requires a new award. The original award was for three years. The Missing and Exploited Children Comprehensive Action Program (M/CAP) serves communities by helping them develop coordinated, cooperative procedures for prevention and handling of missing, exploited and abused children's cases among the various institutions invloved. The M/CAP program will be expanded to facilitate the development of additional sites. New program staff and training specialists will be added, as well as at least one technical writer who will develop training monographs and specialized curriculum. Through the work of the crime analysis units of the program sites, the M/CAP program will publish a number of monographs and technical assistance bulletins on specialized topics.

New Programs

Applied Research to Address Practioner Needs

A Study to Explore Legal Barriers to Using Schools, Public Service Agencies, and Hospitals in Locating Missing Children $100,000

This project will involve studying the legal barriers and obstacles now facing parents, attorneys, law enforcement, prosecutors and missing children clearinghouses in gaining the cooperation of schools, hospitals and other public agencies in the search for missing children. Because of different laws concerning privacy and confidentiality, obtaining assistance from these various agencies in locating a missing child is often difficult.

This study should attempt to identify the case law and legislation present at the Federal level, as well as State and local levels, that commonly frustrate efforts to locate missing children. Existing legislation that aids parents and investigative agencies in gaining access to schools, hospitals and public agencies should be highlighted as well. The project should present suggested remedies and recommend solutions where feasible. The intended audience of final reports will be parents and agencies that will benefit most from the above sources of information in the search for missing children.

A Project to Examine Newspaper Articles on Non-Family Child Molestation, Exploitation, and Abuse Cases $100,000

Currently there is no national data collection focused on the number of children who are sexually abused by non-family members or non-day-care givers each year. Due to reporting methods and the lack of national data, it is difficult to know how many of these cases of child molestation involve the abduction of children, including short-term abductions. Through the National Center for Missing and Exploited Children, an informal project was developed utilizing newspaper clippings detailing confirmed cases of child molestation by non-family members collected from over forty major media markets over a four month period. The first month's clippings alone yielded over 800 cases. Data was compiled from the clippings on 32 case characteristics.

including the ages of the offenders and the victims, the occupation of the offenders, the relationship between victim and offender, the number of victims, previous arrest history, involvement of child pornography, probationary status of the offender, and the arresting charges.

This new program will expand on the earlier short-term project and will involve tracking data on a more expansive basis and over a one-year period in order to include the school and vacation cycle. Data gathered should include types of charges, number of offenses, and characteristic information about both victims and perpetrators. Particular attention should be paid to examining these reports for abduction offenses and arresting charges.

The prospective grantee should plan to utilize the best available sources, including computer networks, newpaper clipping services, or other methods to obtain the necessary information. In all cases, duplication should be monitored so that cases of national proportion are not entered into the data base more than once. The resulting report should include basic information about the populations served by the news sources utilized in order to give some indication of the breadth of the numbers. After the compilation of cases for one year are entered, they should be summarized and analyzed. The analysis is not expected to generalize the problems of non-family sexual abuse, molestation and exploitation. The final report should also identify potential alternative data collection methods and approaches which could be utilized for a more comprehensive study of the incidence of non-family, non-caregiver sexual abuse and exploitation of children.

A Study to Resurvey the Respondents in the Original Study, Families of Missing Children: Psychological Consequences and Promising Interventions $150,000

The purpose of this resurvey would be to determine how lasting are the psychological effects of family and non-family abductions and serious runaway episodes on victims and families. The results of the initial Psychological Consequences project indicated that it is appropriate to identify two traumas rather than the one associated with each missing child incident. The initial trauma arises when the child is taken, but there is a second trauma at the time of resolution, the recovery of a body or a child. The second trauma appears to be equal to or more profound than the first.

Since the two events, abduction and recovery, could not be separated by the passage of considerable time due to the time contraints of the project period, many cases had not been resolved at the time of the last data collection. Further data collection, after either one year or 18 months, would increase the size of the post-resolution sample and provide better information on the second trauma.

The information to be gained from this research should have considerable value in the design of programs to alleviate the traumatic effects of abduction and recovery.

Justice System Processing of Child Maltreatment Cases. (A Jointly Supported Study With the National Institute of Justice) $250,000

Approximately 2.5 million cases of suspected child maltreatment were reported in 1990. These increasing numbers tax both child protective services and the justice system and demand improvements in the social service and legal response to the problem. While many child maltreatment cases are handled by child protective service agencies, the more serious cases come to family and domestic relations courts for the protection of the child, and an increasing number involve charging the perpetrator with a criminal offense. An indication of the increasing demand of these cases on prosecutors is seen in the results of a recent survey in which 90 percent of the prosecutors report child victim cases as a factor in the rising number of felony cases filed in recent years.

A number of past efforts have addressed the effects of child testimony on sexually abused children, explored sexual abuse case processing issues, examined the police role, and discussed state of the art child abuse investigation and prosecution methods. These efforts provide a part of the background for the development of this project on the tracking of child maltreatment cases from the point of official justice system entry to disposition. Prospective case studies would track cases, victims, and perpetrators through law enforcement, prosecution, and courts to case dispositions. The goals of the project would be to provide a description of the nature and dynamics of the justice system response to child maltreatment and to inform policy and improve practice regarding the handling of these cases in the child protection and justice systems.

OJJDP will transfer funds to the National Institute of Justice for this multi-site study. The project is jointly supported by NIJ and OJJDP, and the solicitation will be issued by NIJ.

Training and Technical Assistance

A Program To Develop Model Sentencing Guidelines in Parental Abduction Cases, $125,000

Recent OJJDP-sponsored studies on the legal obtacles to the recovery of parentally abducted children and on the psychological impact of abduction on children and families show that child victims of family abductions experience more trauma and long-term disturbances than is commonly believed. One study found that almost eighty percent of abducting parents were motivated by anger and revenge against the other parent and attempted to use their children to control and attack the opposing parent. Some parents were fleeing abuse directed at either themselves, their child, or both and needed protection. Regardless of whether an abduction is prompted by frustration with unsatisfactory custody or visitation arrangements or by a desire to punish or control the other parent, many abducting parents intentionally or unintentionally inflict serious emotional or physical harm upon their children. OJJDP-sponsored studies indicate that few abductors are being prosecuted or are receiving sentences of any kind. Consequently, in many jurisdictions, law enforcement involvement in these cases is infrequent and inconsistent. Guidelines should be developed so that judges have information which would enable them to identify and address a wide range of cases with varying motivations and consequences to the child. Examples of the factors to be considered include changing a child's name, depriving the child of stable schooling, physical or sexual abuse, emotional and physical neglect, and lying to the child by telling it the other parent does not want it or is dead. The information should be specifically directed to the complex concerns facing judges and court personnel, such as the types of situations in which abduction is likely to re-occur, any history of domestic violence, the circumstances in which child custody might be granted to the abducting parent, and the types of visitation and circumstances guiding visitation permitted after the recovery of the child. Along with providing training for judges, the project would develop a bench book for judges as well as a series of articles for publication and dissemination to judges and prosecutors.

Treatment Models and Training Materials for Mental Health Professionals Working With Families of Missing Children, $300,000

The Families of Missing Children: The Psychological Consequences and Promising Interventions study found that the vast majority of families of missing and recovered children do not receive any mental health services even though the experience of having a child abducted inflicts significant trauma upon the victim and the family members left behind. While the severity of trauma suffered by victims and families of non-family abduction is more easily recognizable, children and left-behind parents involved in parental abductions also suffer high levels of trauma and long-term distress. Geoffrey L. Greif and Rebecca L. Heger (School of Social Work, University of Maryland At Baltimore), authors of an article entitled "Parents Whose Children are Abducted by the Other Parent: Implications for Treatment", based upon a national survey, reported that children are usually abducted by a parent during or after the breakup of a marriage or relationship. As a consequence, in addition to the trauma ensuing from the loss of the child, the parent must also deal with other stressful factors stemming from the marital or relationship break-up. The literature review conducted in conjunction with this study found that there is a dearth of experience and knowledge and almost no research on abduction trauma and reactions of families to having a child abducted. Thus, parents who do seek mental health assistance are not likely to find a therapist with any experience in either non-family or family abduction trauma.

Given the void in experience, information, and research on the psychological trauma associated with child abduction, the purpose of this program is to develop, test, and refine treatment models and training materials for use by mental health professionals in stabilizing family units upon recovery of missing children, and supporting the members of these family units and the returned child to recover effectively from the associated emotional trauma. While the desirability of developing research-based treatment models is irrefutable, given the immediate need for professionally structured treatment models, the strategy anticipated for development of these models anticipates an eclectic approach. Program models should be developed which are based upon a combination of treatment approaches which have been determined to be effective in cases involving child protection, family violence, gross family dysfunctioning, court ordered placement of children, familial incest, and marital conflict accompanied by serious violence. Treatment with families of soldiers missing in action should also be explored to determine if effective approaches were developed.

The end product should be two to three treatment models which can be tested in the second and third years of a three year project period, along with replication manuals, training curricula, and a complete literature review.

Program to Develop Multidisciplinary Training for Law Enforcement, Mental Health and Other Professionals on the Reunification of Missing Children, $150,000

The Reunification of Missing Children Project found in most cases of recovered children that law enforcement and other community agencies were not prepared to handle or aid in the process of reuniting the child with his or her family and in helping them rebuild their lives. Many important factors need to be considered in reuniting a child with the family or parent: The type of abduction, the length of the episode, and what actually happened to both the child and the left-behind family members during the period the child was missing. Previous family history and coping styles will also play a part in how well the victim and family reacts and readjusts after recovery. This project would adapt the findings and field testing of the Reunification of Missing Children Project into a training curriculum, including technical assistance bulletins for dissemination to practioners. Topics covered will include: (1) The different types of child abduction and the circumstances surrounding the event(s); (2) agency staff responsibilities pertaining to the abduction and the reunification of the children with their families; (3) special needs of the children (including siblings) and parents; (4) elements of investigation, interview and counseling techniques specific to the reunification of missing children; and (5) the management (and sharing) of information and mobilization of agency resources pertaining to the reunification of missing children with their families. It is expected that the training format will include workshops or seminars, and a training guide or curriculum, together with background materials. Follow-up technical assistance will be provided to trainees upon request.

Program to Develop Techniques for Interviewing Adolescent Victims of Sexual Exploitation and Sexual Abuse $125,000

Interviewing adolescent victims of sexual abuse and exploitation require particular skills and techniques. There is little literature or training available in the field to instruct law enforcement personnel and medical and direct service providers on how to conduct interviews with the adolescent victim. However, individual practioners in various police, prosecutorial, health, or related agencies have developed considerable proficiency in dealing with young victims. Their expertise could be harnessed to train others. In order to expand the availability of training in this area, OJJDP will sponsor an assessment of existing training resources and of further training needs pertaining to this topic. The project should cover the protocol for conducting the interviews and the distinctions between the first responder interview, the investigative interview, and the therapeutic interview. Joint investigative interviewing by law enforcement personnel and child protective services should also be addressed. The curriculum is expected to cover: (1) Interviewing techniques, including types and purposes; (2) essential elements of sexual exploitation and abuse investigations; and (3) essential elements of adolescent psychology and behavior. The grantee is expected to draw on the expertise of experienced law enforcement investigators and others who have developed special skills in interviewing adolescent victims. End products would include a training curriculum and monograph, as well as a listing of resources and practioners with particular expertise, all of which could be added to existing investigative training courses.

Resource Guide of Victim Services and Compensation for Missing and Exploited Children and Their Families $60,000

The Families of Missing Children: The Psychological Consequences and Promising Interventions study found that the vast majority of families of missing and recovered children do not receive mental health services or other victims services and resources even though the experience of having a child abducted afflicts significant trauma upon both the victims and the family members left behind. Families of missing and recovered children can (1) enhance their personal, marital, and family stability during this crisis when they know what constitutes expected or normative

reactions of child loss; (2) improve the parent-child relationship when they know the child's experience during the event and after recovery; and (3) insure their understanding of on-going needs of the non-missing children in the family when they know sibling rection to child loss. This project would develop and publish a specialized manual designed to enable families and victims to identify and access services available on a local, State, and national basis. This publication will include information on the types of victim compensation, *e.g.*, local, State and federal funding, a listing of national support organizations for families and victims, as well as information on selecting a therapist. Dissemination of this publication to families of missing children will be primarily through the National Center for Missing and Exploited Children, missing children State clearinghouses, and other public and private organizations serving child victims and their families.

Symposium on International Child Abductions $125,000

The Hague Convention is an international treaty governing the return of internationally abducted children. It was negotiated in 1980 and has been ratified by a number of countries, including the United States in 1988. The Hague Convention sets international policy condemning parental abduction and seeks promptly to restore children to their pre-abduction circumstances, thus limiting the harm they suffer as a result of the abduction. It also provides international laws and procedures for the resolution of these difficult disputes. Despite the adoption of the Hague Convention by many countries, international child abduction still poses complicated problems for parents, governments and other agencies involved in the location and recovery of these children. The grantee would work cooperatively with the National Center for Missing and Exploited Children, Department of State, Interpol, the National Center for the Prosecution of Child Abuse, the American Bar Association Center on Children and the Law, and others to convene a forum of practioners to examine current issues regarding international abductions, the obstacles for locating and recovering abducted children in a world-wide arena, and adoption and implementation of the Hague Convention. The symposium should be planned for early 1993 to follow an international meeting of representatives of Hague Convention Central Authorities scheduled for November of 1992. An expected outcome of such a forum would be the publication of a report indicating directions for future study and program development.

A Program to Develop Training, Technical Assistance and Product Resources Based Upon the Findings of OJJDP's Congressionally Mandated Study on the Legal Obstacles to the Recovery and Return of Parentally Abducted Children $400,000

The three key obstacles to the recovery of parentally abducted children identified in the interim Congressional report were: (1) Lack of knowledge of applicable law on the part of judges and attorneys; (2) lack of compliance, even when knowledgeable; and (3) lack of uniformity and specificity in State laws. The final report, due in June 1992, will make recommendations for removing legal obstacles and improving interstate and inter-jurisdictional cooperation in parental abduction cases. This project would develop materials for different audiences and create cooperative arrangements with existing organizations to disseminate these materials, including training materials. Target audiences would include parents, lawyers, judges, law enforcement personnel, prosecutors, and public and private missing children's organizations. Training could also focus on utilizing a multi-agency approach to parental abduction cases. Model State statutes would also be developed and disseminated and would possibly include a conference for State legislative staffs.

Specific products would be a written bench book for judges, a booklet of practice tips for attorneys in family law, information for parents on how best to cooperate with their lawyers, development of a written protocol for law enforcement for both civil and criminal cases, fifty State directory of relevant State statutes and case law (on disk), and possibly written procedures for establishing a child custody registry. In addition, assistance needs to be available to left-behind parents so that they can find attorneys who can adequately and knowledgeably represent them. The program would develop a directory and possibly a nationwide attorney referral system specific to parental abductions and enforcement of child custody orders.

A program to Develop a Series of Training Videos on Basic Techniques for Investigating Missing, Exploited and Abused Child Cases for Law Enforcement, $125,000

The vast majority of law enforcement agencies employ less than ten officers. These law enforcement officers have few opportunities to receive specialized training in the investigation of child maltreatment cases. Therefore, in order to provide needed information to these smaller departments, OJJDP plans to develop a series of training videotapes on the investigation of such child maltreatment issues as physical abuse, sexual abuse, missing children (including parental abductions), exploited children, offender profiles, and child fatalities. Related topics to be addressed in training videotapes would include case management, techniques for interviewing child victims and suspects, and interacting with social service, medical, and mental health professionals. The grantee would be expected to utilize the revised training curriculum and the expertise of the law enforcement trainers used by OJJDP and the Federal Law Enforcement Training Center in the child abuse and missing and exploited investigators courses. The curriculum would focus on basic information and techniques. In addition to the series of training videotapes, there would be a small publication or pocket card listing national and regional resources for law enforcement agencies on available training, information, and technical assistance on cases of abused, exploited, and missing children. Law enforcement training academies and organizations would be the primary organizations reproducing and further disseminating these materials to the law enforcement field.

Funding Support for Missing Children State Clearinghouses for Specific Program Development up to $100,000

The goal of this project would be to assist State missing children clearinghouses to strengthen their role within their State through the development of specific projects relating to missing and exploited children. The individual special projects would include: (1) A project to develop a series (maximum of five) 20 minute "roll call style" video presentations for law enforcement personnel on missing and exploited children investigation, resources, and issues. The project would also require the development of a State-wide listing of investigators specializing in missing and/or exploited child cases from which the target audience would be drawn. (2) A second project would be the development of a training curriculum designed for law enforcement agencies and officers on how to utilize and interface with their State clearinghouse. The grantee must take into account and address the different levels and services of State clearinghouses available around

the country. The curriculum should be in a format which could be presented on site by State clearinghouse personnel or standardized for presentation through in-service training or academy curriculum. The project requires the development of a State-wide listing of investigators specializing in missing and/or exploited child cases. (3) A project to develop a network of volunteers within the State who have experience and background in providing services for the parents of missing or exploited children. Parents of missing children frequently need more special attention and support than can be provided by local law enforcement agencies. Retired law enforcement, social service, and criminal justice professionals would be ideally suited to provide necessary time, experience and contacts to devote to assisting parents within the local community. The volunteers would be referred to the parents through the State clearinghouse, upon request. A program called "Project ALERT" is currently being developed on the national level to recruit and train retired law enforcement officers to assist in the investigation of missing child cases. It is possible that the individual State clearinghouse project could be coordinated with any "Project ALERT" volunteers from that State. OJJDP may fund more than one applicant for this particular program to develop a volunteer network.

OJJDP anticipates providing several grants to individual clearinghouses to develop the special programs and products detailed above. The grantees would be encouraged to develop their programs in formats which could serve as models for other State clearinghouses around the country.

Selection Criteria

For all assistance awards funded under Title IV—Missing Children's Assistance Act, priority will be given to applicants who utilize volunteers in locating, reuniting, and providing other services to missing children and their families. In order to receive assistance for a fiscal year, applicants must give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

The following merit-based general selection criteria will be used to rate applications submitted in response to the program announcements:

(1) The problem to be addressed by the project is clearly stated. The applicant must demonstrate an understanding of the extent and nature of the problem of missing and exploited children.

(2) The objectives of the proposed project are clearly defined.

(3) The project design is sound and contains program elements directly linked to the prevention and recovery of missing children and/or the provision of services to such children and their families. The project design demonstrates an innovative approach to addressing the problem.

(4) The project management structure is adequate to the successful conduct of the project.

(5) Organizational capability is demonstrated at a level sufficient to conduct the project successfully.

(6) Budgeted costs are reasonable, allowable and cost effective for the activities proposed to be undertaken.

Robert W. Sweet,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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Torture Victim Protection Act of 1991. (Mar. 12, 1992; 106 Stat. 73; 2 pages) Price: $1.00

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